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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE
BUFFALO, N. Y., AREA—PART 2

HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-FIFTH CONGRESS
FIRST SESSION

OCTOBER 3 AND 4, 1957

Printed for the use of the Committee on Un-American Activities

INCLUDING INDEX



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¹ See also Investigation of Communist Propaganda in the United States—Pt. 8 (Buffalo, N. Y., area) October 1, 1957.



PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee of Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 85TH CONGRESS

House Resolution 5, January 3, 1957

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * *

(q) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American activities.

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* * * * *

26. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE BUFFALO, N. Y., AREA—PART 2

THURSDAY, OCTOBER 3, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Buffalo, N. Y.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 10 a. m., in room 600, United States Courthouse, Hon. Edwin E. Willis, chairman, presiding.

Committee members present: Representatives Edwin E. Willis, of Louisiana, and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, director, and George C. Williams and W. Jackson Jones, investigators.

Mr. WILLIS. The subcommittee will come to order.

Counsel will call his first witness.

Mr. ARENS. Mr. William Nuchow, kindly come forward.

Mr. WILLIS. Please raise your right hand. You do solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NUCHOW. I do, sir.

TESTIMONY OF WILLIAM (H.) NUCHOW, ACCOMPANIED BY COUNSEL, MARTIN R. BRADLEY, JR.

Mr. ARENS. Please have a seat. Kindly identify yourself by name, residence, and occupation.

Mr. NUCHOW. William Nuchow, age 29, Boston, Mass., union organizer.

Mr. ARENS. You are appearing today, Mr. Nuchow, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. NUCHOW. Yes, sir.

Mr. ARENS. You are represented by counsel?

Mr. NUCHOW. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. BRADLEY. Martin R. Bradley, Jr., 900 Ellicott Square, Buffalo.

Mr. ARENS. Where are you employed, Mr. Nuchow?

Mr. NUCHOW. United Furniture Workers Union, AFL-CIO.

Mr. ARENS. How long have you maintained that employment?

(Witness conferred with his counsel.)

Mr. NUCHOW. Approximately 6 months.

Mr. ARENS. In what area are you employed?

Mr. NUCHOW. In the New England area, mainly Boston, Mass.

Mr. ARENS. And in what capacity?

Mr. NUCHOW. International representative.

Mr. ARENS. Where were you employed immediately prior to your present employment?

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. ARENS. Do you honestly apprehend, sir, that if you told this committee truthfully where you were employed prior to your present employment, you would be giving information which might be used against you in a criminal proceeding?

Mr. NUCHOW. I refuse to answer that question.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness now be ordered and directed to answer that question.

Mr. WILLIS. You are directed to answer the question.

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, on that question, by answering that question, that might bring to me some false accusation against me, and I refuse to answer that particular question.

Mr. ARENS. Would any action instituted against you of a criminal nature, criminal proceeding, involving any Communist activities, or alleged Communist activities by yourself, be a false action?

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, I refuse to answer that question. I take the fifth amendment on that.

Mr. ARENS. Which provision of the fifth amendment?

Counsel, may I suggest that you might want to confer with him and be sure that his answers are what he would normally intend.

(Witness conferred with his counsel.)

Mr. NUCHOW. On the provisions, sir, that taking witness against myself which might impede my character, on those provisions I refuse to answer that particular question.

Mr. ARENS. I still think this record ought to be clear, Mr. Nuchow. Do you honestly feel that if you answered this last principal question truthfully, you would be giving information which could be used against you in a criminal proceeding?

I suggest you confer with your counsel at this time.

(Witness conferred with his counsel.)

Mr. NUCHOW. By answering that question, it might lead to some false prosecution against me, and I still remain and take the fifth amendment.

Mr. ARENS. Let's get right to the point. Are you a Communist?

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, I am not now a member of the Communist Party.

Mr. ARENS. Were you a member of the Communist Party any time in the course of the last year?

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, I refuse to answer that question on the grounds the same as before, the fifth amendment.

Mr. ARENS. Were you a member of the Communist Party any time in the course of the last 6 months?

Mr. NUCHOW. I refuse to answer that question, Mr. Chairman.

Mr. ARENS. On the same grounds, I take it?

Mr. NUCHOW. Yes, sir.

Mr. ARENS. Were you a member of the Communist Party any time in the course of the last month?

Mr. NUCHOW. I refuse to answer that question on the same grounds, sir.

Mr. ARENS. Were you a member of the Communist Party any time during the period after you received your subpoena to appear before this Committee on Un-American Activities?

Mr. NUCHOW. I refuse to answer that question, sir, on the same grounds.

Mr. ARENS. Were you a member of the Communist Party 3 days ago?

Mr. NUCHOW. I refuse to answer that question on the same grounds.

Mr. ARENS. Were you a member of the Communist Party yesterday?

Mr. NUCHOW. I refuse to answer that question on the same grounds.

Mr. ARENS. Did you disassociate yourself from technical membership in the Communist Party—

Mr. NUCHOW. I refuse to answer that question, sir, for the same grounds.

Mr. ARENS. Excuse me until I complete my question, please.

Mr. NUCHOW. Sure.

Mr. ARENS. Did you disassociate yourself from technical membership in the Communist Party in the course of the last several days, solely and exclusively so that you could take an oath before this committee without fear of perjury and say that you are not now a member of the Communist Party?

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, on that previous question, I would state that my withdrawal from the Communist Party has nothing to do with the hearing for today concerning myself.

Mr. ARENS. When did you withdraw from the Communist Party?

Mr. NUCHOW. I refuse to answer that question.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness has opened the door to this inquiry himself. He has said, "My withdrawal from the Communist Party has nothing to do with this proceeding today." That was the essence of his answer. I, therefore, respectfully suggest the witness now be ordered and directed to tell this committee while he is under oath when he withdrew from the Communist Party.

Mr. WILLIS. You are so directed.

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, my nonmembership in the Communist Party is not related to the hearing for today. I refuse to answer that question.

Mr. ARENS. Now, Mr. Chairman, I respectfully suggest this record be abundantly clear.

Mr. Witness, you have said in the last several minutes that your withdrawal from the Communist Party had nothing to do with this

proceeding here today. I then ask you when you withdrew from the Communist Party. I made it clear to you that you have initiated this area of inquiry by referring on your own volition to your withdrawal from the Communist Party.

The pending question is: When did you withdraw from the Communist Party? You are under a mandate and instruction from the chairman of this subcommittee to answer that question. Will you answer that question?

(Witness conferred with his counsel.)

Mr. NUCHOW. I refuse to answer that question, Mr. Chairman, on the grounds of the fifth amendment.

Mr. ARENS. Have you completely, irrevocably, finally disassociated yourself from the Communist Party?

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, my answer is "Yes," definitely yes.

Mr. ARENS. Are you under Communist Party discipline?

Mr. NUCHOW. No, sir.

Mr. ARENS. Are you now against the Communist Party?

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, I would like to have some clarification of that last question, please.

Mr. ARENS. Are you for the Communist Party or against it? You withdrew from it, you said. Now we want to know whether or not you are for it or against it.

Mr. NUCHOW. I am in disagreement completely with the program and the policies of the Communist Party. That means I am against the Communist Party.

Mr. ARENS. When did you arrive at that complete disagreement with the program of the Communist Party?

(Witness conferred with his counsel.)

Mr. NUCHOW. I refuse to answer that question, Mr. Chairman, on the grounds I said before.

Mr. ARENS. Mr. Chairman, I respectfully suggest this witness be ordered and directed to answer that question.

Mr. WILLIS. Yes. I direct you to answer that question.

Mr. NUCHOW. Mr. Chairman, I refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Do you presently have information respecting the current—and by current, I mean in the course of the last month or so—operations of any facet of the Communist Party in the United States?

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, will you please repeat the question?

Mr. ARENS. Mr. Reporter, read the question, please.

(Record read by reporter.)

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, I refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Where and when were you born?

Mr. NUCHOW. June 15, 1928, Brooklyn, N. Y.

Mr. ARENS. And a word about your education.

Mr. NUCHOW. I completed high school and 1 year of college.

Mr. ARENS. Where did you go to college?

Mr. NUCHOW. Oswego State Teachers College, Oswego, N. Y.

Mr. ARENS. When did you complete your year of college?

Mr. NUCHOW. I think in June 1949.

Mr. ARENS. I beg your pardon.

Mr. NUCHOW. June 1949.

Mr. ARENS. What was your first principal employment after you completed your education in 1949?

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, I refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. How long did this first principal employment endure?

Mr. NUCHOW. Mr. Chairman—

Mr. ARENS. You have not declined? I am uncertain that the record shows your declination to answer the question. How long did your employment endure?

Mr. NUCHOW. I refuse to answer that question, sir, on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be directed and ordered to answer the question.

Mr. WILLIS. You are directed to answer the question.

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, I refuse to answer this question on the grounds of the first and fifth amendments.

Mr. ARENS. Now, Mr. Witness, I want this record to be clear on another matter. You have told us that you disassociated yourself from the Communist Party; have you not?

(Witness conferred with his counsel.)

Mr. SCHERER. I think that is clear.

Mr. NUCHOW. Mr. Chairman, I am not now a member of the Communist Party, and I refuse to testify about the past.

Mr. ARENS. I did not ask you that, sir.

Mr. NUCHOW. Repeat the question, then.

Mr. ARENS. You told us that you left the Communist Party, or disassociated yourself from the Communist Party. That is a matter of sworn testimony on this record in the course of the last several minutes.

I want to ask you now: Were you ever a member of the Communist Party?

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. ARENS. What was the nature of your connection with the Communist Party from which you disassociated yourself, according to your own testimony?

Mr. NUCHOW. I refuse to answer that question on the same grounds.

Mr. ARENS. What was your next principal employment after this employment that you can't tell us about without giving information that could be used against you in a criminal proceeding?

Mr. NUCHOW. I refuse to answer that question on the same grounds.

Mr. ARENS. Did you have a subsequent employment?

Mr. NUCHOW. I refuse to answer that question, Mr. Chairman, on the same grounds.

Mr. ARENS. Is there any employment in which you have been engaged since you left school in 1949 until your present employment, which you can tell this committee about without giving information which could be used in a criminal proceeding?

Mr. NUCHOW. Mr. Chairman, again I refuse to answer that question on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that that is a very fair question. A truthful answer to that question could not possibly cause this witness to be incriminated.

I respectfully request, therefore, that the witness be ordered and directed to answer if there is any employment in which he has engaged since 1949 concerning which he can tell us without giving information which might be used against him in a criminal proceeding.

Mr. WILLIS. You are directed to answer the question.

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, on the period of time between 1949 and the present employment, I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. ARENS. Were you one of Jimmy Hoffa's boys up until about 6 months ago?

Mr. NUCHOW. I refuse to answer that question on the first and fifth amendments.

Mr. ARENS. I put it to you as a fact, sir, and ask you to affirm or deny the fact, that up until just a few months ago, you were one of the Communist organizers in the employ of the teamsters union. If that is not so, deny it while you are under oath.

Mr. NUCHOW. I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. ARENS. Do you know Jimmy Hoffa?

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. SCHERER. Do you mean to say that if you tell us whether you know Jimmy Hoffa that might tend to incriminate you?

Mr. NUCHOW. I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. SCHERER. Maybe he is pleading it correctly.

Mr. ARENS. Who was your supervisor, or who was your boss—we will put it that way, in common parlance—in the job you had immediately prior to the assumption of your present job as international organizer of the United Furniture Workers?

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. ARENS. Was it Jimmy Hoffa?

Mr. NUCHOW. I refuse to answer that question, Mr. Chairman, on the same grounds.

Mr. ARENS. Now tell us the organizations to which you have belonged of the nonsensitive variety in the course of the last few years. By nonsensitive, I mean non-Communist organizations.

Mr. NUCHOW. I refuse to answer that question on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. SCHERER. You did not let him finish, Mr. Arens. I did not hear the reasons he gave.

Mr. NUCHOW. Mr. Chairman, I stated my reason. I refuse to answer that question on the same grounds.

Mr. SCHERER. Does that include the fifth amendment?

Mr. NUCHOW. Yes.

Mr. ARENS. Does that include the self-incrimination provision of the fifth amendment?

(Witness conferred with his counsel.)

Mr. NUCHOW. Yes, sir.

Mr. ARENS. You were active in the Young Progressives of America; were you not?

Mr. NUCHOW. I refuse to answer that question, Mr. Chairman, on the same grounds.

Mr. ARENS. Weren't you treasurer of the National Association for the Advancement of Colored People at Oswego?

Mr. NUCHOW. I refuse to answer that question, Mr. Chairman, on the same grounds.

Mr. ARENS. Were you active in the Labor Youth League?

Mr. NUCHOW. I refuse to answer that question, Mr. Chairman, on the same grounds.

Mr. ARENS. You told us a little while ago that you disassociated yourself from the Communist Party. I conclude from your testimony that that has been in the recent past. You told us, in effect, that you were now against the Communist Party. What can you do to help this committee in its efforts to combat the Communist operation in this country? Is there anything you can do to help us along that line, in furtherance of your own expressed desire to help fight the Communist menace?

(Witness conferred with his counsel.)

Mr. NUCHOW. I have nothing to say concerning that to this committee whatsoever.

Mr. ARENS. Have you been to the Federal Bureau of Investigation and told them anything that would, in your judgment, help combat the Communist Party, which you say you now are against?

(Witness conferred with his counsel.)

Mr. NUCHOW. I have not, sir.

Mr. ARENS. Do you propose to do so?

Mr. NUCHOW. No, sir.

Mr. ARENS. You are appearing today as an involuntary witness under subpoena; are you not?

(Witness conferred with his counsel.)

Mr. NUCHOW. Well, if that is the position of the record here, it is as clear for you as it is clear for me.

Mr. ARENS. I just want the record to be clear that you are not volunteering your statements here.

Mr. SCHERER. I think that is clear, Counsel.

Mr. ARENS. Have you ever been instructed, while you were a Communist, to infiltrate the legitimate non-Communist organizations?

Mr. NUCHOW. I refuse to answer that question, Mr. Chairman, on the grounds of the first and fifth amendments.

Mr. ARENS. Who is your present supervisor?

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Pizer, Morris Pizer.

Mr. ARENS. Were you a Communist as of the time you assumed your present duties as international organizer of the United Furniture Workers of America?

(Witness conferred with his counsel.)

Mr. NUCHOW. I refuse to answer that question on the same grounds, Mr. Chairman.

Mr. ARENS. Was your employment as international organizer of the United Furniture Workers of America procured for you by any person known by you to be a Communist?

(Witness conferred with his counsel.)

Mr. NUCHOW. No, sir.

Mr. ARENS. What caused your disassociation from your last previous employment?

Mr. NUCHOW. I refuse to answer that question, Mr. Chairman, on the same grounds.

Mr. ARENS. You were not fired for being a Communist; were you?

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, I refuse to answer that question on the same grounds.

Mr. ARENS. Do you know a man by the name of Charles Regan?

(Witness conferred with his counsel.)

Mr. NUCHOW. I refuse to answer that question on the grounds of the fifth amendment, first and fifth amendments.

Mr. ARENS. Do you know a man by the name of Joseph Chatlev?

Mr. NUCHOW. I refuse to answer that question on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. BRADLEY. May I confer for a moment?

Mr. ARENS. Surely.

(Witness conferred with his counsel.)

Mr. NUCHOW. Mr. Chairman, just to have the record clear, I received a subpoena to appear here this morning and all my answers have been voluntarily from me, but I am not compelled to answer all the questions, as you said before. I just want to have the record clear that I was subpoenaed to be here. I was volunteering as much as I could volunteer to my questions.

Mr. ARENS. No further questions.

Mr. WILLIS. You are excused.

Mr. ARENS. The next witness, if the chairman please, will be Mr. Joseph Green.

Mr. WILLIS. Please raise your right hand. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GREEN. I do.

TESTIMONY OF JOSEPH GREEN, ACCOMPANIED BY COUNSEL, EDWARD S. SPECTOR

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. GREEN. My name is Joseph Green, 271½ East Utica Street.

Mr. ARENS. I don't believe I heard your occupation.

Mr. GREEN. Laborer.

Mr. ARENS. Where, please?

Mr. GREEN. In the fabricating plant in Tonawanda, N. Y.

Mr. ARENS. The name of the plant, please?

Mr. GREEN. Buffalo Steel.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. GREEN. Yes.

Mr. ARENS. Would it be convenient for you to put your hand down? It is difficult for us to hear you. Are you represented by counsel?

Mr. GREEN. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. SPECTOR. Edward S. Spector, 333 Ellicott Square Building, Buffalo.

Mr. ARENS. How long have you been employed at the present place where you work?

(Witness conferred with his counsel.)

Mr. GREEN. About 4½ years or a little better.

Mr. ARENS. And where were you employed prior to that time?

(Witness conferred with his counsel.)

Mr. GREEN. Mr. Chairman, I take the fifth amendment on that question, and refuse to answer on the grounds that it might incriminate me in some shape or form.

Mr. ARENS. How long were you employed prior to your present employment at the job concerning which you cannot tell us without giving information which could be used against you in a criminal proceeding?

(Witness conferred with his counsel.)

Mr. GREEN. On the same grounds, Mr. Chairman, I refuse to answer that question.

Mr. ARENS. Are you a member of a labor organization?

(Witness conferred with his counsel.)

Mr. GREEN. I am.

Mr. ARENS. What organization?

Mr. GREEN. Local 2121 of the United Steelworkers of America.

Mr. ARENS. Have you held any office?

Mr. GREEN. No; I have not.

Mr. ARENS. Haven't you been a steward?

Mr. GREEN. Never have.

Mr. ARENS. Have you been a shop steward?

Mr. GREEN. Never have.

Mr. ARENS. Have you ever been in Local 1198?

Mr. GREEN. No; I never have.

Mr. ARENS. Have you ever been active in the National Negro Labor Council?

(Witness conferred with his counsel.)

Mr. GREEN. Mr. Chairman, I refuse to answer that question on the same grounds.

Mr. ARENS. Have you ever been a candidate for public office?

(Witness conferred with his counsel.)

Mr. ARENS. Can you help us, please? Have you ever been a candidate for public office?

(Witness conferred with his counsel.)

Mr. GREEN. I don't recall, Mr. Chairman.

Mr. ARENS. Weren't you a candidate at one time for Congress—in 1936?

Mr. GREEN. I refuse to answer that question, Mr. Chairman, because it slips my recollection if it is true because that has been a pretty good while ago; and on the same grounds of the fifth amendment I refuse to answer the question.

Mr. ARENS. We would like to lay before you now a photostatic copy of the Communist Daily Worker of August 7, 1936, in which an article appears, Mayor Tries To Prevent C. P. Meeting in Portland. It is about a Buffalo session, a radio session, and this article states Joseph Green, Communist candidate for Congressman in the 42d Congressional District, will speak at a specified time.

Kindly look at this article from the Communist Daily Worker and see if that refreshes your recollection with respect to your aspirations for public service.

(Document handed to witness.)

Mr. GREEN. I refuse to answer the question, Mr. Chairman, on the same grounds.

(Document marked "Green Exhibit No. 1," and retained in committee files.)

Mr. SCHERER. He refused to answer the question that he was a candidate for Congress on the grounds—

Mr. ARENS. On the Communist ticket.

Mr. SCHERER. I see.

Mr. ARENS. Weren't you on the State committee of the Communist Party in New York?

Mr. GREEN. On the same grounds and for the same reasons, Mr. Chairman, I refuse to answer that question.

Mr. ARENS. I would like to lay before you now information from the Daily Worker of August 31, 1942, in which this publication lists the 40 named to the Communist Party State Committee of New York, including Joseph Green, Erie County. Please look at that publication and see if that might refresh your recollection with respect to your career in 1942.

(Document handed to witness.)

(Witness conferred with his counsel.)

Mr. ARENS. Could you help us on that, please?

Mr. GREEN. You asked me a question?

Mr. ARENS. Yes. Is this true and correct, the account in the Communist Daily Worker with reference to yourself being a member?

Mr. GREEN. I decline to answer that question.

(Document marked "Green Exhibit No. 2," and retained in committee files.)

Mr. ARENS. Have you been active—we are moving now along in your life, in your career, to 1950. Do you recall any activity by yourself in a Civil Rights Committee in February of 1950, or thereabouts?

Mr. GREEN. I decline to answer the question, Mr. Chairman.

Mr. ARENS. I would like to lay before you now a thermofax copy of an article from the Buffalo Evening News (February 18, 1950) with reference to a Red-tinged group which, according to the article, is protesting police bias. Among the group that is protesting the police bias here in the Buffalo area is listed Joseph Green, who is connected, apparently, with a Civil Rights Committee, and who is described here as having been for 18 years a member of the Communist Party.

Kindly look at that article and see if that might refresh your recollection with respect to your past activities in 1950.

(Document handed to witness.)

(Witness conferred with his counsel.)

Mr. GREEN. Will you ask that question again, please?

Mr. ARENS. Yes. Does that refresh your recollection with reference to those activities?

Mr. GREEN. I refuse to answer the question. I decline to answer the question.

(Document marked "Green Exhibit No. 3," and retained in committee files.)

Mr. ARENS. We would like to display to you now still another document. It is a thermofax reproduction of a bulletin of the National Negro Labor Council, in which you are listed as a vice president of the Buffalo Council of the National Negro Labor Council.

Look at that document, please, and see if that might refresh your recollection with reference to your connection with that organization.

(Document handed to witness.)

Mr. SCHERER. The National Negro Labor Council, I believe, has been cited—yes, it has—as a Communist-front organization.

Mr. ARENS. Yes, sir.

Mr. GREEN. I decline to answer that question, Mr. Chairman.

(Document marked "Green Exhibit No. 4," and retained in committee files.)

Mr. ARENS. Were you active in this community in the Progressive Party?

Mr. GREEN. I decline to answer that question, Mr. Chairman.

Mr. ARENS. Are you now, this minute, a Communist?

(Witness conferred with his counsel.)

Mr. GREEN. I am not a member of the Communist Party.

Mr. ARENS. And when did this status come about?

Mr. GREEN. I decline to answer that question, Mr. Chairman, on the same grounds.

Mr. ARENS. Were you a member of the Communist Party yesterday?

(Witness conferred with his counsel.)

Mr. GREEN. On the same grounds, I decline to answer the question.

Mr. ARENS. You say you are not a member of the Communist Party today. Were you a member yesterday?

I want to make sure that the record is clear on this.

Mr. GREEN. I decline to answer the question.

Mr. ARENS. Are you completely out of the Communist Party, completely disassociated from it?

(Witness conferred with his counsel.)

Mr. GREEN. I decline to answer that question, Mr. Chairman.

Mr. ARENS. Do you propose to get back in the party tomorrow?

(Witness conferred with his counsel.)

Mr. GREEN. I decline to answer that question.

Mr. ARENS. Do you propose to get back in the party just as soon as you walk out the door and can do so after this hearing is over?

Mr. GREEN. I decline to answer that question, Mr. Chairman.

Mr. ARENS. Why?

Mr. GREEN. Fifth Amendment.

Mr. ARENS. Do you know a man by the name of Charles Regan?

Mr. GREEN. Again, I decline to answer the question, Mr. Chairman.

Mr. ARENS. Do you know a man by the name of Loyd Kinsey?

Mr. GREEN. For the same reason, I decline to answer the question.

Mr. ARENS. Do you know a man by the name of Joseph Chatley?

Mr. GREEN. For the same reason, I decline to answer the question.

Mr. ARENS. Mr. Chairman, I respectfully suggest that in the presence of this witness, Mr. Chatley now be sworn.

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear, sir, that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CHATLEY. I do.

TESTIMONY OF JOSEPH A. CHATLEY

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. CHATLEY. My name is Joseph A. Chatley. I reside at 113 McKinley Parkway, Buffalo, and at the present time I have a part-time job as a gasoline station attendant.

Mr. ARENS. Mr. Chatley, I intend to interrogate you at length in a little while; but for the present purpose, have you ever been a member of the Communist Party?

Mr. CHATLEY. Yes.

Mr. ARENS. What period of time were you a member of the Communist Party?

Mr. CHATLEY. From 1949 on for a period of about 3½ years.

Mr. ARENS. During the course of your membership in the Communist Party, did you have occasion to know as a Communist a person by the name of Joseph Green?

Mr. CHATLEY. Yes.

Mr. ARENS. Do you see that person in the hearing room or in the courtroom here today?

Mr. CHATLEY. Yes.

Mr. ARENS. Kindly point him out to the committee.

Mr. CHATLEY. This gentleman here, the previous witness.

TESTIMONY OF JOSEPH GREEN—Resumed

Mr. ARENS. You have just heard the testimony of Mr. Chatley in which he has identified you under oath as a person known by him to have been a Communist. We want to give you an opportunity to deny that identification if you care to do so, if you want to avail yourself of that opportunity.

(Witness conferred with his counsel.)

Mr. GREEN. What is the question, Mr. Chairman? What is the question?

Mr. ARENS. Do you want to deny the identification of Mr. Chatley that he knew you as a Communist?

(Witness conferred with his counsel.)

Mr. GREEN. I decline to answer that question on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of Joseph Green.

We would like now to proceed to the interrogation of Joseph Chatley.

Mr. WILLIS. The witness is excused.

We will take a 5-minute recess at this point.

(Short recess.)

(Mr. Willis and Mr. Scherer were present at the time of recess.)

(Reconvening after the recess, the following members of the committee were present: Mr. Willis and Mr. Scherer.)

Mr. WILLIS. The subcommittee will come to order.

Counsel will call the next witness.

Mr. ARENS. Mr. Chatley, kindly resume the witness stand.

TESTIMONY OF JOSEPH A. CHATLEY—Resumed

Mr. ARENS. Mr. Chatley, so that this record at this point may be clear, may I ask you if you would again give us your identification and a word respecting the period of your service in the Communist Party?

Mr. CHATLEY. My actual period of service in the Communist Party as a member was approximately 3½ years.

Mr. ARENS. From when to when, please, sir?

Mr. CHATLEY. From 1949 to close to 1953.

Mr. ARENS. Now, Mr. Chatley, so this record may be absolutely clear on this point, your service in the Communist Party was to serve your Government at the behest of the Federal Bureau of Investigation, was it not?

Mr. CHATLEY. That is right, sir.

Mr. ARENS. And during all that period of time, you were procuring information for that great agency of this Government respecting the operation of the Communist Party here?

Mr. CHATLEY. Yes.

Mr. ARENS. You were not, in truth and in fact, in sympathy with the movement with which you were identified; is that correct?

Mr. CHATLEY. No; I had provided information for the Federal Bureau of Investigation for a long period of time previous to my becoming a member of the party.

Mr. ARENS. Mr. Chatley, you have been in consultation with us informally in sessions in Washington, at which time we have elicited from you considerable information on a broader scale?

Mr. CHATLEY. Yes.

Mr. ARENS. I should like, therefore, to confine your testimony today to a number of specifics which relate, and which are germane, just to the area of inquiry which we have in mind here.

I should like you, therefore, if you would, please, to give us just the units of the Communist Party with which you were associated during this period of your service at the behest of the Federal Bureau of Investigation.

Mr. CHATLEY. Yes. At the time that I became a member of the party, I was instructed to work with two groups. One was the labor group which involved a number of sections, and with the political group which, at that time, inasmuch as the Communist Party had

gone underground, they had moved in upon the American Labor Party and had taken it over. I was to work with the head officials in Erie County of the American Labor Party.

Mr. ARENS. And did you, in the course of your career in the Communist Party, work with any other group or groups?

Mr. CHATLEY. Yes.

Mr. ARENS. I should like to have you refer to those groups.

Mr. CHATLEY. One group was known as the University of Buffalo Group, or U. B. Group.

Mr. ARENS. Of the Communist Party?

Mr. CHATLEY. That is right. Another was established a short time after I joined the party. It was a group of several front organizations, all promoting peace.

Mr. WILLIS. Ostensibly, that is.

Mr. CHATLEY. Yes.

Mr. ARENS. Now another group?

Mr. CHATLEY. At various times, for a matter of probably 3 or 4 days or a week, I would be sent in at odd times to work with the Labor Youth League and with various officers of the other organizations, such as the IWO, the International Workers Order, and practically anything in the line of a front group at that time which the organization was pushing.

Mr. ARENS. Are there any other principal groups with which you worked?

Mr. CHATLEY. Yes.

Mr. ARENS. Tell us just their names, please.

Mr. CHATLEY. This group did not have a local organization here; but my name had been submitted by Mr. Emanuel Fried, regional officer of the United Electrical Workers, to make a trip into the Soviet Union under the auspices of the American Committee To Survey Labor Conditions in Europe.

Mr. ARENS. Is there another group?

Apparently, Mr. Chatley, you were in the Communist Party shifting from one group to another, is that correct?

Mr. CHATLEY. My instructions at the time I was accepted as a member were that I should not openly admit membership in the party, and that I should operate entirely under cover; that I should work where I was assigned, and that if I were questioned as to membership in the Communist Party, I must deny it.

Mr. WILLIS. Instructions from the Communists?

Mr. CHATLEY. Yes.

Mr. WILLIS. So you were an undercover-undercover operator?

Mr. CHATLEY. These instructions were given me by John Noto and Al Lutsky.

Mr. ARENS. You were an FBI undercover operator, operating in the undercover operations of the Communist Party, is that correct?

Mr. CHATLEY. It was a little confusing; that is correct, sir.

Mr. ARENS. Did you have a Communist Party card?

Mr. CHATLEY. No; those were done away with several years before. It was explained to me by Mrs. Frances Clune that carrying such a card would only put me in the hands of the FBI.

Mr. ARENS. There has been a little confusion—or I would suggest deliberate attempts at confusion—in the course of these hearings, with

reference to membership, the technical term "membership," in the Communist Party, by a number of people, as I am sure you recognized, because of your attendance at these hearings the last few days.

Does the Communist Party have membership records like the Rotary Club, the Kiwanis, or the Lions?

Mr. CHATLEY. Not since they went underground. There may be such records, but they are not readily available to the membership of the party.

Mr. ARENS. Is much distinction made between a Communist and a member of the Communist Party?

Mr. CHATLEY. Not insofar as I can see.

Mr. ARENS. So when a Communist just says, "I was a member yesterday," or at least would not tell us whether or not he was a member yesterday, but says very emphatically, "I am not a member today," does it mean much?

Mr. CHATLEY. Not in my opinion.

Mr. ARENS. In other words, conspirators do not publicize their identification with a conspiratorial apparatus; is that correct?

Mr. CHATLEY. That is correct.

Mr. ARENS. How then, Mr. Chatley, on the basis of your background and experience, is an identification of a Communist possible? How do you determine who is a Communist?

Mr. CHATLEY. My identification, which might differ from others, came through instructions that were given to me: I must never discuss the party plans or my instructions with anyone except the people I was authorized to discuss them with, and that those would be trusted party members with a long period of service. With no one else was I permitted to discuss the operations that I was engaged in.

Mr. ARENS. In other words, for one person who has been in the apparatus to make an identification of another person in the apparatus, he is limited by the fact that there is a cutout system?

Mr. CHATLEY. Yes.

Mr. ARENS. And his identification can come exclusively by knowing who worked in the apparatus; is not that correct?

Mr. CHATLEY. That is right.

Mr. ARENS. There is no formal ceremony as there might be if you joined the Masonic lodge or joined the church, is there?

Mr. CHATLEY. No. I was required to agree that I would faithfully carry out every order that was given to me without question and to the best of my ability.

Mr. ARENS. With that little bit of background, Mr. Chatley, I should like to ask you, please, if you would help us by telling us the names of persons who, to your certain knowledge, were Communists, were in the apparatus, were members of the Communist Party, behind which operates the facade of an internationally controlled conspiracy. You have conferred with us repeatedly in staff conferences; and we have, as you know, informally received from you considerable information. But we should like to have now, under oath, your positive identification of certain persons.

Mr. CHATLEY. Yes.

Mr. ARENS. Did you know as a Communist a man by the name of James Annaccone?

Mr. CHATLEY. James Annaccone; yes, I did.

Mr. ARENS. Just a word of description of him, please.

Mr. CHATLEY. At the time that I became a member of the Communist Party, James Annaccone was the Erie County chairman of the American Labor Party. I was instructed to work with James and Marguerite Annaccone—

Mr. WILLIS. Is that his wife?

Mr. CHATLEY. That is his wife. And I was instructed that I could discuss party operations with them freely.

Mr. ARENS. And did you do so?

Mr. CHATLEY. Yes.

Mr. ARENS. On the basis of your experience and intimate knowledge of the techniques of the Communist Party, do you here and now, while you are under oath, identify James and Marguerite Annaccone as persons who, to you certain knowledge, were Communists?

Mr. CHATLEY. Yes.

Mr. ARENS. Did you know as a Communist a person by the name of Charles Asque?

Mr. CHATLEY. Yes; I did.

Mr. ARENS. Give us just a word of description of Charles T. Asque.

Mr. CHATLEY. I was told that Mr. Asque was a longtime member of the Communist Party.

Mr. ARENS. Where did he work?

Mr. CHATLEY. At that time he was some kind of union steward, or such, at Republic Steel Corp.

Mr. ARENS. Where?

Mr. CHATLEY. In Buffalo.

Mr. ARENS. Did you know in like manner as a Communist a person by the name of Richard Baum?

Mr. CHATLEY. Yes.

Mr. ARENS. Tell us where he worked.

Mr. CHATLEY. I do not know the name of the place where he worked, but he did tell me one time that he was some kind of draftsman, and stated that he had refused flatly to do any drafting on work which might be used in the Korean war.

Mr. ARENS. Can you tell us what he did in the party? I do not mean a description of all kinds of activities, but just a connection or identification.

Mr. CHATLEY. He was a rather elderly gentleman and hard of hearing. He wore a hearing aid. He was respected by all the Communists. They admired him greatly.

It was reported to me by Michael and Frances Clune that, because of his age, it could not be expected that he would be in the forefront of picket lines or such things of that type.

Mr. ARENS. What did he do? Just a word of identification.

Mr. CHATLEY. He attended meetings as per instructions, when they wanted to build up a meeting and give it a sort of semblance of respectability. You could depend on Mr. Baum and his wife being present. Such as the peace groups, the ALP, and the like.

Mr. ARENS. Did you in like manner know as a Communist, Arthur Bolton?

Mr. CHATLEY. Yes; Arthur Bolton was a very active Communist.

Mr. ARENS. Where was he employed?

Mr. CHATLEY. I believe at the time it was the J. H. Williams Corp. I am not certain about that.

Mr. ARENS. In the Buffalo area?

Mr. CHATLEY. Yes.

Mr. ARENS. Did you know in like manner as a Communist a man by the name of Ted Buczek?

Mr. CHATLEY. Ted Buczek. I was sent by the party—

Mr. ARENS. Could you answer the question first?

Mr. CHATLEY. Yes.

Mr. ARENS. Thank you.

Mr. CHATLEY. I was sent by the party to Rochester, N. Y. At that time the UE was trying to organize and take away from another union a group known as the East Rochester Car Shops. The instructions that I had received were that I would be driven to Rochester, N. Y., and there put in contact with Mr. and Mrs. Buczek and that they would conduct me to this group of approximately 75 persons where I was to deliver a lecture.

The important part of my lecture was to be to impress upon the people present the desirability of securing representation through one of the greatest of American democratic labor unions, the United Electrical Workers Independent.

Mr. ARENS. Mr. Chairman, may I suggest that we have, in informal conferences, been over much of the detail.

I only want to proceed here, if we may—because of the limitations of time—with the specifics on your identification of Mr. Buczek while under oath before this committee.

Where was he employed?

Mr. CHATLEY. He was an organizer, at that time, for UE.

Mr. ARENS. Did you know in like manner as a Communist or as Communists, Michael and Frances Clune?

Mr. CHATLEY. Yes, indeed. They were the people who brought me into the Communist Party.

Mr. ARENS. They recruited you?

Mr. CHATLEY. Yes, sir.

Mr. ARENS. Just where did they work, or where were they connected? I don't need an elaboration of their activities for the moment.

Mr. CHATLEY. At the time, Michael Clune was an international organizer on the international staff of the CIO.

Mr. ARENS. Do you know where he is now?

Mr. CHATLEY. I do not.

Mr. ARENS. Did you know in like manner as a Communist Julius Cohen?

Mr. CHATLEY. Yes.

Mr. ARENS. Give us just a word as to where he was connected, either in employment or in Communist Party work.

Mr. CHATLEY. At the time, I was introduced to him under the name of Julius Cohen, which I believe to be his right name. He was introduced to me in New York City and reported to be a high-ranking Communist from Brooklyn. I met him probably 6 months later in Buffalo under the name of Jules Parris.

At that time he was an international representative of the American Communications Association, which had been ousted from the CIO for Communist control.

Mr. ARENS. Do you know where he is now, please?

Mr. CHATLEY. I do not.

Mr. ARENS. Did you in like manner know as a Communist a person by the name of Russell J. DePasquale?

Mr. CHATLEY. Yes. Russell DePasquale.

Mr. ARENS. Give us, if you please, just a word as to where he was employed or what his connection was, to your certain knowledge, within the Communist apparatus.

Mr. CHATLEY. Employed at Bethlehem Steel Corp.

Mr. ARENS. Where?

Mr. CHATLEY. At Lackawanna, N. Y.

Mr. ARENS. Did you in like manner know as a Communist a person by the name of Charles A. Doyle?

Mr. CHATLEY. Yes, I did.

Mr. ARENS. Give us, if you please, sir, in like manner, just a word of his connection either within the Communist Party or his employment.

Mr. CHATLEY. He was a long-time member of the Communist Party and organizer and representative of the Gas, Coke, and Chemical Workers, CIO, at Niagara Falls, N. Y.

Mr. ARENS. Do you happen to know where he is now?

Mr. CHATLEY. That I do not know. I know he was reported as—well, I guess an undesirable.

Mr. ARENS. Did you in like manner know as a Communist a person by the name of Johnnie Ellis?

Mr. CHATLEY. Yes.

Mr. ARENS. Give us, if you please, sir, just a word of his employment or connection with the Communist Party.

Mr. CHATLEY. Johnnie Ellis was a woman.

Mr. ARENS. Was what?

Mr. CHATLEY. A woman. She was the daughter of Hattie Lumpkin. She was married to Henry Ellis.

At the time I first knew Johnnie Ellis, she had been the Erie County secretary of the Communist Party until such time as they had received orders to close their office locally and go underground. Then she had been transferred to the New York City area.

Mr. ARENS. Thank you, sir.

Did you in like manner know as a Communist a person by the name of Rufus Frasier?

Mr. CHATLEY. Yes, I did.

Mr. ARENS. Give us, please, sir, just a word about Rufus Frasier's employment or connection with the party.

Mr. CHATLEY. Rufus Frasier was—or had been, according to my informants, Michael and Frances Clune—a Communist Party member for a number of years previous to my becoming a member of the party. He was completely trustworthy, according to them, and I could discuss party operations with him freely.

He succeeded James Annaccone as Erie County chairman of the American Labor Party. At that time it was reported to me by Frances Clune that it was desirable, the newspapers having brought out the fact that the membership, apparently, of the American Labor Party locally seemed to be nothing but Communists, and because of Mr. Annaccone's labor-union connections, they wanted him to get into

the background and continue on through the labor section and stay away from the American Labor Party, which he did.

Mr. ARENS. Do you in like manner identify, here and now while you are under oath, as a Communist a person by the name of Connie Fried?

Mr. CHATLEY. Yes.

Mr. ARENS. And Emanuel Fried?

Mr. CHATLEY. Yes.

Mr. ARENS. And Floyd Fried?

Mr. CHATLEY. Yes.

Mr. ARENS. Connie Fried, Emanuel Fried, and Floyd Fried?

Mr. CHATLEY. Yes. Concetta is the full name. She was known by the name of Connie.

Mr. ARENS. Give us, if you please, just a word of descriptive identification of these three persons.

Mr. CHATLEY. Emanuel J. Fried was regional representative for the United Electrical Workers Independent. Before their being independent, they had been affiliated with the CIO and were ousted from the CIO for being a Communist-controlled international union.

My first attention to Mr. Fried, before I knew him or before I was a member of the Communist Party, had been on a visit to CIO offices in the Root Building. I had gone there to have a discussion with Mr. James Miller, who at that time was secretary of the CIO Industrial Union Council. He was not present in his office, and I was instructed by one of the girls in the office to look in some of the other offices down the hall.

I saw a rather good-looking, red-headed, well-dressed gentleman—

Mr. ARENS. I hate to interrupt but, for present purposes, I feel that in view of the press of time and the number of witnesses we have here, if I could ask you to confine your comments respecting these people on this public record under oath to just an identification, it would be better.

Mr. CHATLEY. At the time of becoming a member of the party, my instructions were to take my orders in the Labor Section from Emanuel J. Fried. Any time that I had copy which needed to be printed or duplicated on duplicating machines, I should take that copy to the United Electrical Workers office, turn it over to Mr. Fried, and he would see that that was done. I have taken such copies, bearing designations of the Youth League, American Labor Party, and the various different peace groups, and also copy which was run off in that office and bearing the designation of the Communist Party of Erie County.

Mr. ARENS. Give us just a word, please, about Floyd Fried.

Mr. CHATLEY. Floyd Fried was an employee of the Westinghouse Corp. in their Cheektowaga plant.

It was reported to me at that time that he was some kind of minor officer, a steward or such, in this union. As to the accuracy of that, I do not know. I know I attended some of these policy meetings of the Communists who were pushing the peace group organization at the home of the Frieds. On one occasion, I helped to address envelopes which were used to mail out literature which had previously been duplicated by machine in the UE offices.

Mr. ARENS. This was Communist literature?

Mr. CHATLEY. It was peace group literature, but issued by order of the Communist Party.

This list of names which we mailed the invitations to was secured by Concetta Fried, and consisted of members of a Parent-Teacher Association group, of which she was a member.

Mr. ARENS. Do you in like manner identify as a person known by you to a certainty to be a Communist, Joseph Green?

Mr. CHATLEY. Joseph Green, yes.

Mr. ARENS. Is he the man who just preceded you on the witness stand?

Mr. CHATLEY. That is right.

Mr. ARENS. Without a description of his complete activities, just tell us within what unit or entity in the Communist Party he operated, to your knowledge.

Mr. CHATLEY. Within the labor sections. I met him several times within those sections.

Mr. ARENS. Do you in like manner identify as a person known by you to be a Communist Diantha Hoag?

Mr. CHATLEY. Yes.

Mr. ARENS. Kindly give us a comparable word description of her.

Mr. CHATLEY. Diantha Hoag was in one of the labor sections. She was an employee at the Westinghouse Electric Corp., and a minor union officer at that place.

Mr. ARENS. Thank you.

Mr. CHATLEY. I was instructed that, with both Joseph Green and Diantha Hoag, I might discuss openly the affairs of the Communist Party in which I had been instructed to participate, and that they were good party members and utterly trustworthy.

Mr. ARENS. Do you in like manner identify to your certain knowledge as a Communist, Preston Holder?

Mr. CHATLEY. Yes.

Mr. ARENS. Please give us just a word about Mr. Preston Holder.

Mr. CHATLEY. At the time that I was ordered by the gentleman who also gave me my top instructions, Mr. John Noto, to engage in promotion of peace groups and organizations as ordered by the Communist organization—

Mr. ARENS. Was that his principal function, the peace groups?

Mr. CHATLEY. No.

Mr. ARENS. What was his principal function, then, please, sir?

Mr. CHATLEY. I would not know exactly what his principal functions were, except that I do know that he was under orders from the Communist Party.

Mr. ARENS. Did you work with him in Communist Party functions?

Mr. CHATLEY. Yes. I was instructed to meet with him in a church school at Perry and Elmwood.

The instructions were as follows: That I was to go there, I was to be there at 8 o'clock, and that either 1 of 2 men or both would contact me there. It would be either Dr. William Parry or Dr. Preston Holder; and upon their identifying themselves to me, I should take instructions from them and carry out the orders to the best of my ability.

Mr. ARENS. Did Preston Holder show up, and did you take such orders from him, is that correct?

Mr. CHATLEY. Yes. He explained that Dr. Parry was unable to attend. He had night classes that evening, but he would be at the next meeting.

Mr. ARENS. Did you know as a Communist, in a like manner, Joseph C. Infante?

Mr. CHATLEY. Yes.

Mr. ARENS. Just a word as to what his connection was, not what he did.

Mr. CHATLEY. He was an officer of the United Electrical Workers Independent in the offices at Delaware and Tupper, along with Emanuel J. Fried.

Mr. ARENS. Do you know where he is now?

Mr. CHATLEY. I do not.

Mr. ARENS. Did you, in like manner, know as a Communist a person by the name of Sidney Ingerman?

Mr. CHATLEY. Very well.

Mr. ARENS. And just a word as to his connection.

Mr. CHATLEY. At the time that I was sent into the Labor Youth League—and I was sent in there many times just for a duration of 3 or 4 days to help in drives that they were pushing—I was instructed that I could contact any of a number of people who were active in this group, and I was told which ones were the party members and which ones were to be trusted. With no other personnel in the Labor Youth League was I permitted to discuss party operations. There were Mortimer and Phyllis Scheer. The two people who at that time were directing the open activities of the Labor Youth League were Sidney and Doris Ingerman.

Mr. ARENS. Did you likewise know Doris Ingerman as a Communist?

Mr. CHATLEY. Yes.

Mr. ARENS. And she worked with Sidney in the youth group; is that correct?

Mr. CHATLEY. That is right.

Mr. ARENS. Did you know, in like manner, as a Communist a person by the name of Hattie Lumpkin?

Mr. CHATLEY. Yes, indeed.

Mr. ARENS. Just a word about Hattie Lumpkin, please, sir.

Mr. CHATLEY. Hattie Lumpkin was a longtime member of the Communist Party, and I was told that her entire family were members of the party organization.

At the time that I was instructed to work with the peace groups, I was to go to Hattie Lumpkin's home; and I was told that she knew me by sight and that she would receive me there and we would start the operations of setting up an organization to be known as the East Side Peace Group. I did that and operated with, and under the direction of, Hattie Lumpkin for a period of several weeks.

Mr. ARENS. Was Communist propaganda developed and disseminated from Hattie Lumpkin's home?

Mr. CHATLEY. Yes.

Mr. ARENS. Did they have any equipment there, duplicating equipment?

Mr. CHATLEY. Yes. I was instructed to go there one night with Dr. Preston Holder, and we had a stencil which had been prepared in advance. I do not know who prepared the stencil. We were look-

ing for a duplicating machine. There was such a machine, we were told, in the attic of Hattie Lumpkin's home.

Mr. ARENS. Did you, in like manner, know as a Communist Albert Lutsky?

Mr. CHATLEY. Yes; I did.

Mr. ARENS. Just a word about Albert Lutsky, please, sir; just what his connection was.

Mr. CHATLEY. At the time that I became a member of the Communist Party, I was called to the home of Frances Clune, where I met with John Noto and Albert Lutsky. They had, previous to going underground, been known as the organizer—Noto was the organizer and director of activities for the western half of New York State, and I guess some other areas out of the State, for the Communist Party. Al Lutsky had succeeded John Noto as chairman of the Erie County Communist Party.

Mr. ARENS. Did you in like manner, of course, know John Noto? I say "of course," because you testified against him in a Smith Act trial.

Mr. CHATLEY. Yes, I did.

Mr. ARENS. I will not ask you for further identification, because that is a matter of public record.

Did you, in like manner, know as a Communist William Nuchow?

Mr. CHATLEY. Yes, I did.

Mr. ARENS. Just a word as to his connection, and not a narration as to what he did, please.

Mr. CHATLEY. William Nuchow was one of the very active and trusted members of the party at that time in the operation of the Labor Youth League locally, as was his wife.

Mr. ARENS. Where did he work?

Mr. CHATLEY. At that time, I did not know where he worked. It was, I believe, in some steel plant here in Buffalo.

Mr. ARENS. Thank you.

Did you, in like manner, know as a Communist William Parry?

Mr. CHATLEY. Yes, I did.

Mr. ARENS. Just a word as to his connection.

Mr. CHATLEY. When I was sent to work with the University of Buffalo Group, my instructions were that there would be two people who would direct my activities. They would be Dr. William Parry and/or Dr. Preston Holder.

Mr. ARENS. Where is Parry now?

Mr. CHATLEY. I do not know.

Mr. ARENS. Did you, in like manner, know as a Communist a person by the name of Norton Putter?

Mr. CHATLEY. Yes, I did.

Mr. ARENS. And just a word as to Norton Putter's connection, please.

Mr. CHATLEY. The Clunes identified Norton Putter to me as a long-time member of the Communist Party, and instructed me to work with Norton Putter in a campaign to increase the subscription list of the National Guardian, a paper which was published by the American Labor Party in New York State and the Progressive Party nationally.

Mr. ARENS. Did you work with Putter?

Mr. CHATLEY. Yes. I attended a meeting at Mr. Putter's home at No. 7 Coburg Street, near the Buffalo city line.

Mr. ARENS. Did you, in like manner, know as a Communist Ann Rogovin?

Mr. CHATLEY. Yes, I did.

Mr. ARENS. Is that Mrs. Milton Rogovin?

Mr. CHATLEY. Mrs. Milton Rogovin, yes.

Mr. ARENS. Give us, if you please, just a word of her connection.

Mr. CHATLEY. Shortly after becoming a member of the party, I was told by Frances Clune that I might never meet the top officers of the party locally because they were kept under cover all the time.

Later she did reveal to me that the man who received the orders here in Buffalo and gave them out to the various different groups and who directed and coordinated the activities and was actually the No. 1 Communist in the area was Milton Rogovin.

Mr. SCHERER. What was the name?

Mr. CHATLEY. Rogovin.

Mr. ARENS. Did you, in like manner, know as a Communist Alexander Salmin?

Mr. CHATLEY. Yes.

Mr. ARENS. Just a word, please, as to his connection.

Mr. CHATLEY. Alexander Salmin, at that time, was active in, I believe, one or more of the steel sections in this area, and was also very active in the Labor Youth League.

Mr. ARENS. Did you, in like manner, know as a Communist a person by the name of Joe Salmon?

Mr. CHATLEY. Yes; I did.

Mr. ARENS. Just a word as to his activity, not a narration as to what he did, but what his connection was.

Mr. CHATLEY. He was assisting and helping in the promotion of these peace organizations. This was by order, locally. He was very scared, he was almost in tears. He had had a lot of trouble, locally, because he had almost been kicked out by the board of education a number of years previously.

Mr. ARENS. Did you, in like manner, know as a Communist a person by the name of Mort Scheer?

Mr. CHATLEY. Yes. Mort Scheer was very active in the Labor Youth League, and I was also told that he was one of the principal persons in one or more of the steel sections.

Mr. ARENS. Did you know as a Communist, likewise, his wife Phyllis Scheer?

Mr. CHATLEY. Yes. She was very active in the Labor Youth League and the American Labor Party.

Mr. ARENS. Did you, in like manner, know as a Communist a person by the name of Barbara Shore?

Mr. CHATLEY. Yes, Barbara Shore and her husband, Jack Shore. Shortly after I became a member of the Communist Party, the Shores departed from this area. I was told that a bunch of FBI stool pigeons had gotten Jack Shore fired from his job and he was going to be transferred to the Pittsburgh area.

Mr. ARENS. Did you, in like manner, know as a Communist a person by the name of Joseph Scioli?

Mr. CHATLEY. Joe Scioli, yes.

Mr. ARENS. Just a word of identification of him, please.

Mr. CHATLEY. Joe Scioli was the district representative for the Mine, Mill and Smelter Workers Union, which had been ousted from the CIO for being a Communist-controlled international union.

Mr. Scioli was very active in this area. He was quite a man locally in labor circles, and at times was very put out. His answers always to question from other people as to his affiliations were that that was not the prime question of importance. The thing of most importance was what could be done for labor locally.

I was told by the Clunes that Joe Scioli was a party member.

Mr. ARENS. Did you work with him and know him as a Communist in that respect?

Mr. CHATLEY. Yes. I was ordered one time to go and walk in a picket line at the American Brass Corp., and while there I should contact Mr. Scioli and do anything that he requested of me.

Mr. ARENS. Thank you.

Did you know as Communists John and Rose Touralchuk?

Mr. CHATLEY. Yes.

Mr. ARENS. Just a word as to the function they had, not a narration of what they did but just what their connection was.

Mr. CHATLEY. They were connected with the International Workers Order. They also were connected with the American Labor Party and with various different peace groups; and at one time when the Daily Worker had been barred from the newstands in Buffalo, it was suggested to me that I get in and help to distribute the Daily Worker locally by hand, which I very definitely did not want to do. I begged off that I did not have the time.

I was informed that I could not consider myself more busily engaged in any activities than Rose Touralchuk or Joe Scioli, and it was reported to me that they were both assisting in the delivery of the Daily Worker by hand.

Mr. ARENS. Did you know as a Communist, in like manner, Dr. Joyce Wike?

Mr. CHATLEY. Yes, I did. Dr. Joyce Wike was an instructor at Buffalo University, the wife of Dr. Preston Holder.

Mr. ARENS. Do you know where she is now?

Mr. CHATLEY. I do not.

Mr. ARENS. Mr. Chatley, among other items of concern to this committee is the problem of Communists using passports for international travel as couriers, as propagandists, as agents in furtherance of the international conspiracy.

During the course of your service in the Communist Party at the behest of the Federal Bureau of Investigation, did you have any occasion to acquire information respecting the perversion by the Communist conspiracy of passport credentials?

Mr. CHATLEY. Yes, I did.

Mr. ARENS. In succinct, concise form, please summarize for us what your information is on that.

Mr. CHATLEY. I received a telephone call one afternoon from Emanuel J. Fried of the United Electrical Workers, telling me that my name had been proposed to join with a group of trade unionists in the United States who would tour Europe to survey labor conditions. He informed me that actually I would be taken on a guided tour of the Soviet Union. He was sending Michael Clune to my home to discuss

it with me further. Mr. Clune would be there within a half or three-quarters of an hour.

Mr. ARENS. Fried and Clune were both Communists?

Mr. CHATLEY. Yes.

Immediately on finishing the telephone conversation with Mr. Fried, I contacted the Federal Bureau of Investigation and reported the matter. They instructed me neither to accept nor decline the trip, but to say that I would see if it were possible for me to make that trip, the number of conditions I would have facing me which might make it impossible, but that I would like to make the trip. The FBI would contact me later and give me further instructions.

When I was contacted later, the FBI definitely was interested in having me make that trip. Their instructions were that if I were so minded, I could make that trip; that it would be very helpful to their operations. They could not definitely demand of me that I make the trip, but they were only asking because they could not protect me all the way as they had done previously.

After a little thought on the subject, even though I felt I had not lost anything inside the Soviet Union and I would have not been there on a good basis, I accepted and was instructed by a man who came to Buffalo within a matter of several days. Mr. Charles Velson—

Mr. ARENS. And he has been repeatedly identified as a Communist?

Mr. CHATLEY. Yes. Instructed me to go and make application for a passport. He explained to me the conditions under which I would have to make this application. We had a rather lengthy discussion there in my home. Before the time when the trip was to have been made, Mr. Velson was present in my home on several occasions.

On one occasion we had arranged to meet for the first time on the subject of the trip to the Soviet Union at the East Side Peace Group meeting at St. Stephen's Evangelical and Reform Church School, at Sycamore and Charles Street, with Mr. Deboben who had also been selected by Mr. Fried, to make this trip. We met Mr. Deboben there and, after the peace meeting was over, we adjourned to the Waldorf Restaurant on Broadway; and there Mr. Deboben accepted and said that he would immediately apply for a passport.

I applied for my passport and received my passport. Because of some circumstances which were more or less beyond my control, it required securing leave of absence from my job, which the Federal Bureau of Investigation did for me; but under the union agreement, it must be agreeable to the union also. Around about this time I had had difficulties with the union, but the situation resulted in my being exposed to the Communists, more or less, and the Federal Bureau of Investigation notified me that because of undesirable publicity, the trip would be called off.

Mr. ARENS. That is, your part of the trip?

Mr. CHATLEY. Yes.

Mr. ARENS. The trip itself went on, did it not?

Mr. CHATLEY. No; it did not. The passports were all picked up within a matter of several days by representatives of the United States Department of State.

Mr. ARENS. What was the purpose of the proposed trip?

Mr. CHATLEY. The purpose of the proposed trip was so that these labor people could secure information to bring back to the United

States for the purposes of giving lectures, talks, and such, to union people in this country in the hope of changing the attitude of trade unionists toward the Soviet Union. It was kind of impressed upon me by Mr. Velson that I was a thoroughly trusted member of the Communist Party and that I could do much good. On my return from the Soviet Union, I would be assisted in preparing films that I would take there and lectures that I would give, in preparing these items, by some of the top Communist personnel in this country.

MR. ARENS. These were propaganda films to be prepared?

MR. CHATLEY. Yes. In other words, he was telling me in advance that I would not be permitted to lecture with my own words, but with someone else's.

MR. ARENS. Mr. Chairman, I would suggest that we have been in consultation with Mr. Chatley many, many hours; and he has given us considerable detail, as I believe is evident from his testimony this morning. He is a man of extreme caution, care, and detail in his testimony. I do not think there is any other area that is germane to the general subject matter which we are presently considering.

I would, therefore, respectfully suggest that for purposes of further interrogation, Mr. Chatley now be excused.

MR. CHATLEY. Might I make one small additional statement?

I would like to say now that I believe, and believe firmly, that elected representatives of the people, such as Members of the House of Representatives of the United States, do have a mandate—whether it be voted to them by other Members of Congress or by anyone—when they are elected to that job they have the duty, a mandate from the American people, to do everything in their power to protect the security of this country. I still believe that, gentlemen. Thank you.

MR. WILLIS. Thank you very much. You have made a great contribution to that mandate assigned to us by Congress.

MR. CHATLEY. I think you are doing a very excellent job.

MR. WILLIS. We appreciate the service you have rendered to your country.

MR. ARENS. The next witness, if you please, Mr. Chairman, will be Mr. Max Stein.

MR. WILLIS. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

MR. STEIN. I do.

TESTIMONY OF MAX STEIN

MR. ARENS. Kindly identify yourself by name, residence, and occupation.

MR. STEIN. Max Stein, 97 Longfellow Court, Tonawanda, N. Y., open-hearth worker, Bethlehem Steel Co., Lackawanna, N. Y.

MR. ARENS. Mr. Stein, you are appearing in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

MR. STEIN. Yes, sir.

MR. ARENS. I see you are not represented by counsel.

MR. STEIN. No, sir.

MR. ARENS. You know, of course, you have the privilege of counsel?

MR. STEIN. I do, sir.

Mr. ARENS. Mr. Stein, in view of the fact you do not have counsel, I will advise you now that if I ask you a question, the answer to which in your honest judgment would give information which could be used against you in a criminal proceeding, you have the privilege—not the duty, but the privilege—if you so choose, to decline to answer that question by making reference to the appropriate provision of the fifth amendment on self-incrimination. Do you understand?

Mr. STEIN. Yes, sir.

Mr. ARENS. Where and when were you born?

Mr. STEIN. New York City, November 23, 1919.

Mr. ARENS. Give us a word about your education, please.

Mr. STEIN. Well, I guess you would say about 1 year of high school is all.

Mr. ARENS. When did you move to the Buffalo area?

Mr. STEIN. Sir?

Mr. ARENS. When did you come to the Buffalo area?

Mr. STEIN. Somewhere around 6 years ago.

Mr. ARENS. And how long have you been employed at your present place of employment?

Mr. STEIN. It will be 5 years, I think, in January or February. I am not sure.

Mr. ARENS. In what capacity are you employed there?

Mr. STEIN. Well, second helper most of the time; third helper in the open hearth.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. STEIN. I will have to take the fifth on that. I had an answer prepared, but I don't think that it will make any difference now anyway.

Mr. ARENS. We don't want to in any sense impose upon you.

Mr. STEIN. That is the reason I think the fifth would help pretty well. I will just plead the fifth amendment on that.

Mr. ARENS. You feel that if you gave us a truthful answer to the question, "Are you now a member of the Communist Party?" you would be giving information which might be used against you in a criminal proceeding?

Mr. STEIN. Yes, essentially, I suppose that could be part of it. I had—I deliberately did not take counsel, because I feel, not that I feel there is anything wrong with lawyers or anything like that, but I would like to give the answers as honestly as I feel I can. I had intended under certain conditions to give more information. But I see that, in either case, it would not make any difference. I would just as soon take the fifth in that case.

Mr. ARENS. May I suggest this to you—

Mr. STEIN. Rather than say that I was or was not—

Mr. ARENS. I am at a slight disadvantage here in my interrogation of you, because I am a lawyer and I have been active in this type of work for many, many years, and I do not want to put you in a position where my conscience would tell me, "Well, he ought to have legal advice."

Is there something you can tell us about the Communist Party or the Communist operation, if you have such information, without revealing facts that you think could be used against you in a criminal

proceeding? Frankly, I am a little embarrassed to press you at this time because you do not have counsel.

Mr. STEIN. I think I will have to take the fifth amendment on that question, too. I think I understand a sufficient amount of it to know that I think it would tend to incriminate me.

Mr. ARENS. Could I just ask you this question: Have you disassociated yourself from the Communist Party?

Mr. STEIN. I would say morally; yes.

Mr. SCHERER. What was the answer?

Mr. WILLIS. "Morally; yes."

Mr. ARENS. Can you tell us now when that disassociation came about?

Mr. STEIN. Oh, I can't give any periods.

Mr. ARENS. Well, what is a good rough estimate?

Mr. STEIN. The last several years.

Mr. ARENS. Several years ago?

Mr. STEIN. Over the last period of a few years.

Mr. ARENS. You mean the process of disassociation took several years; is that correct?

Mr. STEIN. Yes.

Mr. ARENS. The last few years; is that correct? Two years?

Mr. STEIN. Two years, 3 years, 4 years, I don't know. I have never felt—may I say I will admit to being a radical, I have been one all my life, I think, one way or another, and I have no compunction about answering that. I have done some things that I might have understood and disagreed with later, and some things that I disagreed with and changed my mind about.

As far as certain questions that you are asking now as far as the Communist Party is concerned, and when I fell out of favor with it, or the policies or anything of that sort, it has been a question of never having felt completely at home in all of it.

I am saying here now, I guess, that I was a member of the party—or the same thing. But it has been a process that has taken several years, not just 2 years, maybe more and maybe less.

Mr. ARENS. I speculate, but I cannot speak for the subcommittee—I speculate, in view of your present candor with us, that this subcommittee would go all out in protecting you against any possible adverse action against yourself, Mr. Stein, as we have done on repeated occasions with other witnesses who had information.

Let me say this to you: In the history of this committee, not a single witness before this committee who has been in the Communist Party, who has taken an oath and told this committee without reservation everything he knows about the Communist Party, not a single witness has ever even been the object of an indictment. I speculate that as long as the present membership of this committee endures, not a single witness will ever be in that status.

What I am saying is this: that if you are disposed to tell us everything you know, I do not mean about personal matters but about the conspiracy, about the Communist Party, about people who were in the Communist Party, about the operations of the Communist Party—if you are disposed to tell us that, I think I would strongly suggest there is not a ghost of a chance that you will ever be in any trouble from that testimony.

Mr. WILLIS. Let me supplement that. Not only that, but I can go further. Under the sponsorship of this committee, Congress passed a law which gives us the power to initiate proceedings to get a court order to give you complete immunity. Not only as a matter of practical operation would we be glad to have you talk to our investigators, but we would be happy to initiate proceedings to give you complete immunity. Do you want to think about this?

Mr. STEIN. No. I listened to Mr. Arens—I guess that is your name—and actually I can say truthfully I have no fear. I mean, I feel that whatever the circumstances might be at present, that I might or might not be fully capable of coping with them as I go along, but I am satisfied that I have made my bed and I will sleep in it. Really, as far as my conscience is concerned—any people or persons or things like that, that I feel in my own conscience, were not, as the committee has termed so often, traitorous, or whatever it might be—I feel that it has never come to my mind that anything I have ever been involved in was that, and that if it might have been, I think I would have taken the appropriate action myself.

Mr. ARENS. Are you completely out of the Communist Party now, irrevocably?

Mr. STEIN. As far as I am concerned, yes. I never resigned, or anything like that, just like I never actually joined. But I floated. That is all I can say about that. But I have no fear, no fear of anything that might tend to make things more difficult for me. I feel that I can cope with them.

Mr. ARENS. From what you said presently, I see no reason for you to have fear. The bed that you are speaking of, so far as this bed is concerned, will not be a bed of nails.

May I ask you this: What was your period of membership in the Communist Party?

Mr. STEIN. Well, I joined it about—I guess when I got out of the service. I more or less floated in.

Mr. ARENS. When was that, about 1945 or 1946?

Mr. STEIN. About that.

Mr. ARENS. Where were you when you joined?

Mr. STEIN. I was in New York City.

Mr. ARENS. And what unit did you join?

Mr. STEIN. I don't know. I think it was the youth group of some kind or another.

Mr. ARENS. Was it the Labor Youth League?

Mr. STEIN. No.

Mr. ARENS. Youth for Democracy?

Mr. STEIN. No. What the heck was it? It was a youth club, I think.

Mr. ARENS. A youth club of the party?

Mr. STEIN. Yes. I think that is what it was.

Mr. ARENS. Was it in connection with some school?

Mr. STEIN. No. I never went to school. Never.

Mr. ARENS. Do you remember the name of the club?

Mr. STEIN. No.

Mr. ARENS. It was not the John Reed Club, was it?

Mr. STEIN. No.

Mr. ARENS. How long were you connected with that club?

Mr. STEIN. Gee, I don't know. I don't want to appear to be giving untruthful answers.

Mr. ARENS. I honestly think thus far you have been very truthful with us.

Mr. STEIN. It was just the period that I got in there and started doing something or other, and kept working.

Mr. ARENS. Were you ideologically identified with the party?

Mr. STEIN. Excuse me?

Mr. ARENS. Were you actually ideologically identified with the party?

Mr. STEIN. As far as I, myself, am concerned, or by others?

Mr. ARENS. Were you actually a Communist, actually in the party?

Mr. STEIN. Well, I suppose as much as anybody could be at the time, I suppose I was a Communist.

Mr. ARENS. How long were you in this youth group in the party?

Mr. STEIN. I don't remember. It was a period of a few years.

Mr. ARENS. At that time when you were in the youth group, were you also identified with any other entity of the party?

Mr. STEIN. No; just that.

Mr. ARENS. Then after the termination of your membership in this youth group, did you become allied or affiliated with some other group in the party?

Mr. STEIN. I probably did. I must have. I imagine if I was in the youth group, I grew up, apparently, and must have joined some other groups of older people. Just what time that happened or when it was, I don't remember.

Mr. ARENS. Have you been active in the party here in the Buffalo area since you moved to Buffalo, whenever it was, 6 years ago?

Mr. STEIN. I will have to take the fifth amendment on that.

Mr. ARENS. Mr. Chairman, I am in the very embarrassing position of undertaking to elicit information here on the basis of cross-examination techniques of a man who does not have counsel, even though he knows he has the right to counsel. We have a peculiar situation here, one that is rather difficult for me to pursue without having myself feel that perhaps I would be taking undue advantage of the witness.

We want the information, and we feel that if you give us the information you have nothing to fear at all. At the same time, you do have constitutional rights which you may invoke.

I would respectfully suggest, Mr. Chairman, that the better part of wisdom would be if we would continue this witness under subpoena and excuse him at the present time, with the hope that, by staff consultation with him at some other time, we might be able to resolve this thing in such a manner that we could get the information and, at the same time, not have the witness feel, or have ourselves feel inwardly, that we are doing something that we might feel is taking advantage of him.

Mr. SCHERER. I would suggest in the meantime that he might consult counsel.

Mr. WILLIS. That course will be followed. The witness is excused for the time being, but you are still under subpoena.

Mr. STEIN. May I speak with somebody? I have certain personal problems that would make it difficult.

Mr. ARENS. Mr. Jones, of our staff, is a veteran investigator and also acting as a clerk in this proceeding.

Jack, would you go in there and chat with him a little while?

The next witness, if you please, Mr. Chairman, will be Mr. Sam Brook.

Mr. WILLIS. Kindly raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BROOK. I do.

**TESTIMONY OF SAM BROOK, ACCOMPANIED BY COUNSEL,
CARL GREEN**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. BROOK. My name is Sam Brook. I live at 92 Crestwood Avenue, in Buffalo. I work at Bethlehem Steel Co. as a handy man in the blast-furnace department.

Mr. ARENS. I wonder if you could keep your voice up a little, Mr. Brook. It is difficult for the members of the committee to hear you. Would you repeat that; they were unable to hear you.

Mr. BROOK. My name is Sam Brook. I live at 92 Crestwood Avenue, in Buffalo, and I work as a handy man for Bethlehem Steel Co.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. BROOK. Yes.

Mr. ARENS. And you are represented by counsel?

Mr. BROOK. I am.

Mr. ARENS. Kindly identify yourself.

Mr. GREEN. Carl Green, 35 Court Street, Buffalo.

Mr. ARENS. Mr. Brook, are you now, or have you ever been, a member of the Communist Party?

(Witness conferred with his counsel.)

Mr. BROOK. I am not now a member of the Communist Party.

Mr. ARENS. Were you a member of the Communist Party any time in the course of the last year?

(Witness conferred with his counsel.)

Mr. BROOK. I would have to decline to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Were you a member of the Communist Party any time in the course of the last 6 months?

(Witness conferred with his counsel.)

Mr. BROOK. I have to decline to answer the question on the same grounds, but I will state that at the time I received the subpoena I was not a member of the Communist Party.

Mr. ARENS. Were you a member of the Communist Party a week prior to the time that you received your subpoena to appear before this committee?

(Witness conferred with his counsel.)

Mr. BROOK. I was not a member of the Communist Party for the period that you just inquired.

Mr. ARENS. Were you a member of the Communist Party at any time in the course of the last couple of months?

(Witness conferred with his counsel.)

Mr. BROOK. Let me put it this way: I have to decline to answer that question invoking my rights under the fifth amendment.

Mr. ARENS. Mr. Brook, I would like to display to you a photostatic copy of an affidavit of non-Communist union officer filed with the National Labor Relations Board of the United States: "I am not a member of the Communist Party or affiliated with such party." This is dated July 1956, and signed by Sam Brook of the United Steelworkers of America, Local 2601.

First of all, were you ever in the United Steelworkers of America? (Witness conferred with his counsel.)

Mr. BROOK. I decline to answer, based on my rights under the fifth amendment.

Mr. ARENS. Are you now with the United Steelworkers of America? (Witness conferred with his counsel.)

Mr. BROOK. I am a member.

Mr. ARENS. How long have you been a member of the United Steelworkers?

(Witness conferred with his counsel.)

Mr. BROOK. I have to decline to answer that question under my rights under the fifth.

Mr. ARENS. Are you an officer?

Mr. SCHERER. Wait a minute. I ask that the chairman direct the witness to answer the question.

Mr. WILLIS. You are directed to answer the question as to how long you have been with the United Steelworkers.

(Witness conferred with his counsel.)

Mr. BROOK. I have to continue to decline to answer that question.

Mr. ARENS. Are you an officer of the United Steelworkers of America?

(Witness conferred with his counsel.)

Mr. BROOK. I am.

Mr. ARENS. How long have you been an officer?

(Witness conferred with his counsel.)

Mr. BROOK. I decline to answer the question under the fifth.

Mr. ARENS. What office do you hold in the United Steelworkers of America?

(Witness conferred with his counsel.)

Mr. BROOK. I believe it is inside guard.

Mr. ARENS. I should like to display to you now this affidavit signed by yourself, in which you stated under oath before the National Labor Relations Board on July 31, 1956, that you were not a member of the Communist Party.

Kindly look at that affidavit and tell us whether or not you were telling the truth when you affixed your signature and swore that you were not a Communist in July of 1956.

[Document handed to witness.]

(Witness conferred with his counsel.)

Mr. BROOK. I will continue to decline to answer that question.

(Document marked "Brook Exhibit No. 1" follows.)

COMMUNIST ACTIVITIES IN THE BUFFALO, N. Y., AREA 1737

ANNACONE EXHIBIT No. 2

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

AFFIDAVIT OF NONCOMMUNIST UNION OFFICER

(See instructions on reverse)

The undersigned, being duly sworn, deposes and says:

1. I am a responsible officer of the union named below.
2. I am not a member of the Communist Party or affiliated with such party.
3. I do not believe in, and I am not a member of nor do I support any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

United Steelworkers of America, Local 2601

(Full name of union, including local name and number)

United Steelworkers of America, AFL-CIO

(Full name of national or international union of which it is an affiliate or constituent unit)

Signature Sam Brock

Title of office Inside Guard

Residence 251 Marilla St

(Number and Street)

Bklyn - N.Y.
(City and State)

(The notary public or other person authorized by law to administer oaths must fill in completely all blank spaces below.)

Subscribed and sworn to before me this 31 day of July 1956

A notary public or other person authorized by law to administer oaths and take acknowledgments in and for the county of Erie State of New York

My commission expires _____

Julian R. Brown
(Signature)

Julian R. Brown, Notary Public, Erie County, New York

[SEAL]

My Commission Expires March 29, 1957



WARNING.—The attention of persons filing this form with the Board is directed to U. S. Code, Title 18, Sec. 1001 (formerly Sec. 89), which provides that any person willfully making or causing to be made any false or fraudulent statements or representations in any matter within the jurisdiction of the Board shall be fined not more than \$10,000 or imprisoned not more than 6 years, or both.

10-50897-7

INSTRUCTIONS FOR THE USE OF THIS FORM

WHO MUST FILE.—This affidavit must be filed by each officer of a labor organization before that organization may use the facilities of the National Labor Relations Board. An affidavit must be on file for each officer listed in your constitution and bylaws.

WHERE TO FILE.—NATIONAL AND INTERNATIONAL LABOR ORGANIZATIONS must file this affidavit with the Affidavit Compliance Branch, National Labor Relations Board, Washington 25, D. C.

LOCAL LABOR ORGANIZATIONS must file this affidavit with the Regional Office of the National Labor Relations Board with which they usually file cases.

WHEN TO FILE.—This affidavit is good for only *one year* from the time it is signed and must be renewed each year. Each time a new officer assumes office, whether elected or appointed, he must file this affidavit. If an officer is reelected or reappointed, it is not necessary to file a new affidavit unless or until the affidavit on file with the National Labor Relations Board is one year old.

HOW TO PREPARE THIS AFFIDAVIT:

- a. Read carefully items 1, 2, and 3 of this affidavit.
- b. Fill in the full name of your labor organization, including the local name and number.

If your organization is affiliated with a national or international organization, give the full name of the national or international.

(EXAMPLE)

Plastic, Button and Novelty Workers Union, Local 506

(Full name and local number)

International Ladies Garment Workers Union--AFL

(Full name of national or international)

c. The officer must sign his name in the presence of a notary or other person authorized by law to administer oaths.

d. The officer must give his full home address; be sure to give the street address, city and State.

Mr. ARENS. Is that your signature?

Mr. SCHERER. Wait a minute. You decline to answer the question for what reason?

Mr. BROOK. On the grounds of the fifth amendment, sir.

Mr. ARENS. Is that your signature—

Mr. SCHERER. Wait a minute, Counsel.

You are refusing to answer the question as to whether or not you told the truth when you signed that affidavit under oath? You are refusing to answer the question on the basis that to do so might tend to incriminate you? That indicates you are admitting you committed perjury when you signed that affidavit.

(Witness conferred with his counsel.)

Mr. SCHERER. You say it would tend to incriminate you to tell us whether or not you told the truth when you signed that affidavit under oath.

Mr. BROOK. I am being asked a question, sir?

Mr. SCHERER. Yes.

(Witness conferred with his counsel.)

Mr. BROOK. Could you let me have that question, please?

Mr. SCHERER. Do I understand that you are refusing to answer the question on the ground that it will incriminate you to say whether or not you told the truth when you signed that affidavit?

(Witness conferred with his counsel.)

Mr. SCHERER. Do I understand you correctly?

(Witness conferred with his counsel.)

Mr. BROOK. I decline to answer that question because I feel that an answer to that question may tend to incriminate me or make me liable for unjust prosecution.

Mr. ARENS. If you were prosecuted for lying before the National Labor Relations Board when you signed this affidavit, would it be an unjust prosecution?

(Witness conferred with his counsel.)

Mr. BROOK. I have to decline again under the same grounds.

Mr. ARENS. You were cognizant, when you signed this affidavit in July of 1956, of the warning at the bottom of the form:

Warning: The attention of persons filing this form with the Board is directed to U. S. Code, Title 18, Sec. 1001 (formerly Sec. 80), which provides that any person wilfully making or causing to be made any false or fraudulent statements or representations in any matter within the jurisdiction of the Board shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both.

Were you cognizant of that possible penalty for a false affidavit?

(Witness conferred with his counsel.)

Mr. BROOK. I decline to answer that question.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question. It goes right to the very good faith of this witness in his invocation of the fifth amendment.

Mr. WILLIS. You are directed to answer that question.

(Witness conferred with his counsel.)

Mr. BROOK. I am sorry. I have to continue to decline to answer the question.

Mr. ARENS. Where and when were you born?

Mr. BROOK. February 3, 1917.

Mr. ARENS. Where?

Mr. BROOK. New York City.

Mr. ARENS. And a word about your education.

Mr. BROOK. I am a high-school graduate.

Mr. ARENS. Is that the only education you have had?

(Witness conferred with his counsel.)

Mr. BROOK. I have to decline to answer that question.

Mr. ARENS. Why?

(Witness conferred with his counsel.)

Mr. BROOK. For the same reason I have given, on the grounds of using the fifth amendment, my privilege under the fifth amendment.

Mr. ARENS. Which privilege under the fifth amendment?

Mr. BROOK. Self-incrimination.

Mr. ARENS. We would like to display to you now a photostatic copy of an independent nominating petition for the Communist Party, under date of June 12, 1942, in which one Sam Brook's signature appears as one who was nominating, among others, Israel Amter for Governor of New York State.

Kindly look at this nominating petition and tell us whether or not this is an accurate reproduction of your signature.

(Document handed to witness.)

(Witness conferred with his counsel.)

Mr. BROOK. I decline to answer the question on the same grounds.

(Document marked "Brook Exhibit No. 2," and retained in committee files.)

Mr. ARENS. Are you irrevocably disassociated from the Communist Party?

(Witness conferred with his counsel.)

Mr. BROOK. Is that in reference to the present?

Mr. ARENS. I beg your pardon?

Mr. BROOK. Is that in reference to the present?

Mr. ARENS. Are you irrevocably, finally, completely, forever disassociated from the Communist Party?

(Witness conferred with his counsel.)

Mr. BROOK. Mr. Arens, the answer to that is "Yes."

Mr. ARENS. Are you now against the Communist Party?

(Witness conferred with his counsel.)

Mr. BROOK. I decline to answer that question, invoking my privileges under the first amendment.

Mr. ARENS. You are not against the Communist Party?

(Witness conferred with his counsel.)

Mr. BROOK. I decline, again, under the same grounds.

Mr. ARENS. Do you have present information, current information, respecting the operation of the Communist conspiratorial apparatus in this area?

(Witness conferred with his counsel.)

Mr. BROOK. I decline to answer that question, invoking my rights under the fifth amendment.

Mr. ARENS. If you are not against the Communist Party, and you disassociated yourself from the Communist Party as you have told us, why did you disassociate yourself from the Communist Party?

(Witness conferred with his counsel.)

Mr. BROOK. I decline to answer the question under the fifth.

Mr. ARENS. Did you disassociate yourself from the Communist Party so that you could testify before this committee and say, "Of course, I am not now a member of the Communist Party"?

(Witness conferred with his counsel.)

Mr. SCHERER. That is obviously the pattern that has been adopted. This is the first time they have had wholesale resignations within a few weeks prior to the hearing.

Mr. WILLIS. That is a new technique, obviously.

Mr. BROOK. I am not now a Communist, and as far as I know——

(Witness conferred with his counsel.)

Mr. BROOK. Oh, I never said I was. I have to decline to answer that question under the fifth.

Mr. ARENS. I respectfully suggest that will conclude the staff interrogation of this witness, Mr. Chairman.

Mr. WILLIS. Did you say you are not now a member of the party?

(Witness conferred with his counsel.)

Mr. BROOK. Yes, Your Honor.

Mr. WILLIS. Did you quit for good?

(Witness conferred with his counsel.)

Mr. BROOK. Sir, I must decline to answer that question under my rights under the first and fifth amendments.

Mr. WILLIS. The good old fifth.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the subcommittee may want in this instance, as in other instances, to invite the attention of the Department of Justice to these non-Communist affidavits which have been signed rather promiscuously by persons on whom we have information that they were members of the Communist Party.

Mr. SCHERER. I do not think, Mr. Chairman, that there is any question but that we have no alternative. Here is a man who says that if he tells us today whether he told the truth when he signed that affidavit under oath, he would tend to incriminate himself, which indicates, as I said before, a commission of perjury at the time he signed the affidavit. I do not think we have any alternative except to refer all of his testimony to the Department of Justice and let it determine the point.

Mr. WILLIS. That is a legal question, but the Department of Justice will certainly have this sent to them.

Mr. GREEN. Are we excused?

Mr. WILLIS. Yes.

Mr. ARENS. The next witness will be Mr. Zelman.

Mr. WILLIS. Kindly raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ZELMAN. I do.

TESTIMONY OF MIROSLAW BOGDON ZELMAN, ACCOMPANIED BY COUNSEL, SAUL TOUSTER

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. ZELMAN. My name is Miroslaw B. Zelman, 739 Tift Street, Buffalo, N. Y., and I am a steelworker.

Mr. ARENS. Where?

Mr. ZELMAN. Bethlehem Steel Co. in Lackawanna, N. Y.

Mr. ARENS. You are appearing today, Mr. Zelman, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. ZELMAN. I am.

Mr. ARENS. And you are represented by counsel?

Mr. ZELMAN. I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. TOUSTER. Saul Touster, 77 West Eagle Street, Buffalo.

Mr. ARENS. Mr. Zelman, are you a member of the Communist Party?

(Witness conferred with his counsel.)

Mr. ZELMAN. I am going to decline to answer that question on the grounds of the first and fifth amendments.

Mr. ARENS. How long have you been employed by Bethlehem Steel Co.?

(Witness conferred with his counsel.)

Mr. ZELMAN. A little over 4½ years.

Mr. ARENS. In what capacity or capacities?

Mr. ZELMAN. I work in the open hearth at the plant.

Mr. ARENS. Where were you employed immediately prior to your employment at Bethlehem?

(Witness conferred with his counsel.)

Mr. ZELMAN. To the best of my recollection, it was with Vanetta Velvet Corp., in New York City.

Mr. ARENS. And when was that employment?

Mr. ZELMAN. I believe it ended in 1952.

Mr. ARENS. Are you a colonizer?

(Witness conferred with his counsel.)

Mr. ZELMAN. I feel that I have to plead the first and fifth amendments.

Mr. ARENS. Do you honestly feel if you told this committee truthfully whether or not you are a colonizer at Bethlehem Steel in this area, you would be supplying information which might be used against you in a criminal proceeding?

(Witness conferred with his counsel.)

Mr. ZELMAN. I sincerely feel that I have to decline to answer the question under the first and fifth amendments.

Mr. ARENS. Where and when were you born?

Mr. ZELMAN. I was born in Hamtramck, Mich., on August 29, 1918.

Mr. ARENS. Give us a word about your education.

Mr. ZELMAN. I have completed—I have graduated high school. That is the extent of my formal education.

Mr. ARENS. Was your employment at Bethlehem Steel suggested to you, or counseled to you, by any person known by you to be a Communist?

(Witness conferred with his counsel.)

Mr. ZELMAN. Again I respectfully decline to answer the question on the grounds of the first and fifth amendments.

Mr. ARENS. I put it to you, sir, as a fact, and ask you to affirm or deny the fact, that you were sent in to Bethlehem Steel here in this community as a colonizing agent for the Communist Party. If that is not true, please deny it while you are under oath.

Mr. ZELMAN. Again, I feel that I have to invoke my rights under the first and fifth amendments.

Mr. ARENS. What was your street address when you lived in New York City some few years ago, 5 or 6 years ago?

(Witness conferred with his counsel.)

Mr. ZELMAN. I decline to answer that question on the grounds of the first and fifth amendments.

Mr. SCHIERER. Mr. Chairman, I ask you to direct the witness to answer the question as to what his street address was in New York.

Mr. WILLIS. I will direct you to answer the question.

(Witness conferred with his counsel.)

Mr. ZELMAN. I am afraid that I have to decline to answer because I sincerely feel that it will be in violation of my rights under the first and fifth amendments.

Mr. ARENS. Did you ever serve in the United States Army?

(Witness conferred with his counsel.)

Mr. ZELMAN. Yes, sir.

Mr. ARENS. When and where?

Mr. ZELMAN. Well, to the best of my recollection, from 1943 until 1946, here in the United States, and I was also stationed in Hawaii.

Mr. ARENS. Were you a Communist during that period?

Mr. ZELMAN. I respectfully decline to answer that question as I sincerely feel that it is an invasion of my rights under the first and fifth amendments.

Mr. ARENS. Did you retain your soldier's uniform after you were discharged from the United States Army?

(Witness conferred with his counsel.)

Mr. ZELMAN. To the best of my recollection, when I was discharged from the Army, I went home in the uniform; and, therefore, I must have had a uniform.

Mr. ARENS. Have you used that uniform in any public sessions or on any public occasions since you were discharged from the United States Army?

(Witness conferred with his counsel.)

Mr. ZELMAN. I feel I must decline to answer that question on the grounds of the first and fifth amendments.

Mr. ARENS. The fact is you desecrated the United States Army uniform, did you not, by using it in a Communist May Day parade in New York City in 1951? If that is not true, please deny it while you are under oath.

Mr. ZELMAN. I feel I must decline to answer that question on the grounds of the first and fifth amendments.

Mr. ARENS. Have you ever been with the American Labor Party? (Witness conferred with his counsel.)

Mr. ZELMAN. I feel I must decline to answer the question on the grounds of the first and fifth amendments.

Mr. ARENS. The fact is you were elected to the 21st Congressional District State Committee of the American Labor Party in 1950, isn't that correct?

Mr. ZELMAN. I decline to answer the question on the grounds of the first and fifth amendments.

Mr. ARENS. Are you a member of a labor organization?

Mr. ZELMAN. I am sorry. I did not quite get that.

Mr. ARENS. Are you a member of a labor organization?

(Witness conferred with his counsel.)

Mr. ZELMAN. At present, I am a member of the United Steelworkers of America.

Mr. ARENS. How long have you occupied this status as a member of the United Steelworkers?

Mr. ZELMAN. Well, to my knowledge, from the day I started working there.

Mr. ARENS. Four and a half years ago; is that correct?

Mr. ZELMAN. That is right.

Mr. ARENS. Have you ever held an office or post in the Steelworkers?

(Witness conferred with his counsel.)

Mr. ZELMAN. No, sir; I have not held any office in that local.

Mr. ARENS. I would like to show you a directive which has been identified here on this record under oath by a witness, a directive of the Communist Party to the comrades for concentration in the steel industry, in which it is stated among other things, "It is necessary for a Marxist Revolutionary Party to be rooted in these industries."

Have you ever seen that directive before, or the original of which that is a copy?

(Document handed to witness.)

(Witness conferred with his counsel.)

Mr. ZELMAN. I decline to answer that question on the grounds of the first and fifth amendments.

(Document previously designated "Regan Exhibit No. 1," see pt. 1 of these hearings, p. 1627.)

Mr. ARENS. Have you ever been interrogated in the course of your employment at Bethlehem Steel, or in the course of your membership in the Steelworkers Union, as to whether or not you are a Communist?

(Witness conferred with his counsel.)

Mr. ARENS. Mark you, I am not asking you what you said. I am asking you whether or not you have ever been interrogated as to whether or not you are a Communist, by either the Steelworkers or by the Bethlehem Steel people.

(Witness conferred with his counsel.)

Mr. ZELMAN. I plead the first and fifth amendments and refuse to answer this question.

Mr. ARENS. You recognize, do you not, that you are presently under oath?

Mr. ZELMAN. Yes, sir.

Mr. ARENS. And you recognize that if you falsify your answer on a material matter to this committee, you can be prosecuted for perjury, do you not? You recognize that fact?

Mr. ZELMAN. I have so been advised by counsel.

Mr. ARENS. Do you presently intend, when you are released from your oath before this committee, released from the possible pains and penalties of perjury, to step out and tell the Steelworkers and tell Bethlehem Steel, "Of course I am not a Communist. Of course I have never been a Communist. But I was not going to tell that witch-hunting, Fascist, red-baiting House Un-American Activities Committee that I am not a Communist." Is that what your present intention is?

(Witness confers with his counsel.)

Mr. ZELMAN. I feel that the question enters into or violates my rights under the first and fifth amendments, inquiring into my beliefs or ideas, and I therefore decline to answer that question.

Mr. ARENS. May I respectfully suggest that if that is your intention, we will be very glad to afford you the facilities of this committee at any time to submit yourself to an oath where you would be subjected to the pains and penalties of perjury, where we would be more likely to be certain of the facts.

Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. WILLIS. The witness is excused.

We will take a recess until 1:45 this afternoon.

(Whereupon, at 12:31 p. m., October 3, 1957, the hearing was recessed until 1:45 p. m., the same day.)

(The following members were present: Mr. Willis and Mr. Scherer.)

AFTERNOON SESSION—THURSDAY, OCTOBER 3, 1957, 1:45 P. M.

Mr. WILLIS. The subcommittee will please come to order. Counsel will call the next witness.

(Present at the reconvening of the session were Representatives Edwin E. Willis, of Louisiana, and Gordon H. Scherer, of Ohio.)

Mr. ARENS. Mr. Joseph Scioli, please come forward.

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SCIOLI. I do.

TESTIMONY OF JOSEPH C. SCIOLI, ACCOMPANIED BY COUNSEL, NATHAN WITT

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. SCIOLI. Joseph C. Scioli, 39 Olcott Place, international representative of the International Union of Mine, Mill, and Smelter Workers.

Mr. ARENS. Mr. Scioli, you are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

(The witness conferred with his counsel.)

Mr. SCIOLI. Yes.

Mr. ARENS. And you are represented by counsel?

Mr. SCIOLI. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. WITT. Nathan Witt, Post Office Box 156, New York 23, N. Y.

Mr. ARENS. Where are you employed, Mr. Scioli? Where are you actually employed?

Mr. SCIOLI. Here in Buffalo.

Mr. ARENS. With what companies does the International Union of Mine, Mill, and Smelter Workers bargain in this greater Buffalo area?

Mr. WITT. Mr. Chairman, may I make a legal objection to that?

Mr. WILLIS. What is the question—where is he employed?

Mr. ARENS. No, sir. He is a bargaining representative for the International Union of Mine, Mill, and Smelter Workers. I have asked him with what plants he bargains.

Mr. WILLIS. All right.

Mr. ARENS. That is, bargains in his work.

Mr. WITT. Mr. Chairman, Mr. Scioli—

Mr. WILLIS. You are not testifying. The witness is testifying.

Mr. WITT. I have a legal objection.

Mr. WILLIS. You have appeared before this committee before and know the rules.

Mr. WITT. The rules permit me to make legal objections, Mr. Willis. I have a legal objection to this question.

Mr. WILLIS. They do not. Proceed.

Mr. ARENS. Now, Mr. Scioli, please answer the question: With what companies do you bargain here as the international representative of the International Union of Mine, Mill, and Smelter Workers?

(The witness conferred with his counsel.)

Mr. WITT. Assuming this committee is constitutional, that question is improper because it is not pertinent.

Mr. SCHERER. Will you explain?

Mr. WITT. Mr. Willis, since you are not permitting me to make legal objections, I will have to advise my client—

Mr. WILLIS. That is all right. We do not need your advice.

Mr. WITT. I am not giving you advice. I am giving my client advice.

Mr. WILLIS. Proceed.

Mr. ARENS. Mr. Scioli, the pertinency of that question stems from this fact, namely, that the Committee on Un-American Activities has before it at the present time a number of proposals for legislation, among which are proposals dealing with the problem of Communist penetration of industrial establishments, heavy industry establishments.

You have on this particular record been identified under oath by competent witnesses as a person who has been a member of the Communist Party. It is, therefore, pertinent to the inquiry for this committee to ascertain what access you have had, and do have, in the course of your work in this community so that if the committee, or if the Congress and the committee, so determines, they may desire to introduce certain legislation precluding people who have been identified as Communists from access to vital industrial establishments.

With that background and that explanation, I respectfully ask you again to tell this committee with what plants do you negotiate, do you bargain, do you have access.

(The witness conferred with his counsel.)

Mr. WITT. I made my objection. I would like to have a ruling from the Chair.

Mr. WILLIS. You are ordered to answer that question.

(The witness conferred with his counsel.)

Mr. SCIOLI. I am assigned to the Buffalo area and the companies that I service are the American Brass Co., the Niagara Falls Smelting & Refining Corp., and the Samuel Greenfield Co., Inc.

Mr. ARENS. All located in the greater Buffalo area?

Mr. SCIOLI. That is right.

Mr. ARENS. Are there employees in each of those several plants for whom you bargain?

(The witness conferred with his counsel.)

Mr. SCIOLI. The employees bargain, and I help them in my capacity.

Mr. ARENS. Does the International Union of Mine, Mill, and Smelter Workers, of which you are the international representative, hold contracts in each of these various plants?

(The witness conferred with his counsel.)

Mr. SCIOLI. Yes.

Mr. ARENS. For how many individual workers do you bargain in this area?

Mr. SCIOLI. Approximately fifteen or sixteen hundred.

Mr. ARENS. Who is your immediate superior within the framework of the International Union of Mine, Mill, and Smelter Workers?

(The witness conferred with his counsel.)

Mr. SCIOLI. Irving Dichter, the executive board member of our district.

Mr. ARENS. Have you ever signed a non-Communist affidavit under the provisions of the Taft-Hartley Act?

(The witness conferred with his counsel.)

Mr. SCIOLI. No.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. WITT. May I make my legal objections now, Mr. Chairman?

Mr. WILLIS. No. You can make objections in court. This is a congressional hearing and study. You may advise your client. We do not need your advice nor your objections.

Mr. WITT. I am not seeking to give the committee any advice. I am representing my client.

Mr. WILLIS. You have been before us before. You are an oldtimer.

Mr. WITT. I have been permitted to make legal objections before, Mr. Willis. The last time I appeared, as Mr. Arens will tell you, in the city of Denver, before Mr. Walter, he permitted me to make any legal objections on the record.

Mr. ARENS. Mr. Scioli, will you kindly answer the question: Are you now a member of the Communist Party?

Mr. WITT. May I have a ruling again from you, Mr. Chairman, as to whether I can make my legal objections? Otherwise, you are going to be here twice as long as you need to because you compel me to make my legal objections——

Mr. WILLIS. We are not going to be here very long with you. Answer the question.

Mr. WITT. You compel me, against what I understand is the procedure of the committee, to have my client make the legal objections that I should be making.

Mr. WILLIS. You know you can tell your client to make all the objections he wants, or to refuse to answer.

Mr. ARENS. Mr. Witt, because of the apparent course of events here and prospective action which may be taken by this committee, I invite

your attention to the rules of this committee with which I am confident you are thoroughly familiar, namely:

The participation of counsel during the course of any hearing and while the witness is testifying shall be limited to advising said witness as to his legal rights. Counsel shall not be permitted to engage in oral argument with the committee, but shall confine his activity to the area of legal advice to his client.

Now, please, Mr. Scioli, answer the question: Are you now a member of the Communist Party?

Mr. WITT. Mr. Arens, that rule has been interpreted by the committee to—

Mr. ARENS. Mr. Chairman, I respectfully suggest that counsel now be admonished that his sole and exclusive prerogative here is to advise his client and if he does not contain himself and abide by the rules of this committee, he will be compelled to depart the hearing room.

Mr. WILLIS. Will you read that part of the rule for the record?

Mr. ARENS. I just did, Mr. Chairman.

Mr. WILLIS. That was in the record?

Mr. ARENS. Yes, sir.

Mr. WILLIS. All right.

(The witness conferred with his counsel.)

Mr. SCIOLI. I refuse to answer under the fifth amendment.

Mr. ARENS. Which provision of the fifth amendment are you alluding to, Mr. Scioli?

(The witness conferred with his counsel.)

Mr. SCIOLI. The provision that gives me the privilege not to answer such questions.

Mr. ARENS. Do you honestly apprehend that if you answered that question you would be giving information which might be used against you in a criminal proceeding?

Mr. SCIOLI. Mr. Arens, I prefer to answer that in my own way. I have my counsel here.

Mr. ARENS. Mr. Chairman, I respectfully suggest this record now reflect an order and direction to this witness to answer the question.

Mr. WILLIS. You are ordered to answer the question because it is a perfectly proper question. The only right you have to invoke the privilege of the fifth amendment is the honest fear on your part that you might be subjecting yourself to criminal prosecution, criminal proceedings. Therefore, it is a proper question, and you are ordered to answer it.

(The witness conferred with his counsel.)

Mr. WILLIS. It is a test of your honesty and good faith.

(The witness conferred with his counsel.)

Mr. SCIOLI. I refuse to answer, the exercise of the same privilege.

Mr. ARENS. Have you served on the Political Action Committee of the International Union of Mine, Mill, and Smelter Workers?

(Witness conferred with his counsel.)

Mr. SCIOLI. I object to that question under the first amendment.

Mr. SCHIERER. I ask that you direct the witness to answer the question.

Mr. WILLIS. You are directed to answer the question.

(The witness conferred with his counsel.)

Mr. SCIOLI. I have worked with the local Political Action Committee.

Mr. ARENS. Does the International Union of Mine, Mill, and Smelter Workers use the facilities of the National Labor Relations Board?

(The witness conferred with his counsel.)

Mr. SCIOLI. I object to this question on the grounds of pertinency.

Mr. ARENS. I shall be very happy to explain the pertinency to you.

Over the course of many years, there has been developed considerable information about Communist penetration of labor organizations and, indeed, Communist penetration of the Government.

As a matter of fact, the National Labor Relations Board itself, so the sworn testimony shows, was penetrated by Communist agents. A onetime Assistant General Counsel of the National Labor Relations Board has been identified under oath as a hard-core member of the Communist conspiracy, and when he was brought before this committee he invoked the privileges of the fifth amendment.

A person who was a member of the National Labor Relations Board was, himself, one time identified as a member of the Communist conspiracy. The National Labor Relations Board has, we believe, purged itself of Communists and other traitors of that variety.

We are anxious to know what agencies, or what groups and organizations, are now unable to avail themselves of the facilities of the National Labor Relations Board because of a factual situation in which they cannot have their officers sign the Taft-Hartley affidavit under 9 (H) of the National Labor Relations Act, as amended by the Taft-Hartley Act.

Furthermore, we are interested because we know that there are a number of Communist agents who have penetrated heavy industrial establishments through organizations which appear to be bona fide labor organizations, but which in truth and in fact are only arms of the international Communist conspiracy.

We have pending before the committee a number of proposed amendments, a number of suggestions, by which there can be a tightening of the laws so as to preclude Communists, Communist agents, Communist potential saboteurs, spies, and the like, from access to the heavy industrial establishments of this Nation who would, if they do have that access, jeopardize the security of this Republic.

It is on that basis that I ask you the question whether or not to your certain knowledge the International Union of Mine, Mill, and Smelter Workers, of which you are an international representative, does avail itself of the facilities of the National Labor Relations Board.

Now, I respectfully ask you to answer the question.

Mr. WITT. Mr. Chairman, Mr. Arens has made two outrageous misstatements of fact. The records of this committee will not support Mr. Arens' statement about a general counsel of the National Labor Relations Board, who is now a judge of the court of appeals in the District of Columbia. The records of this committee will not support—

Mr. WILLIS. You are ordered to desist from interfering with the proceedings of this committee. I will read you the next rule of this committee.

Mr. WITT. I don't think this committee would want—

Mr. WILLIS (reading) :

Counsel for a witness shall conduct himself in a professional, ethical, and proper manner. His failure to do so shall, upon a finding to that effect by a majority of the committee or subcommittee before which the witness is appearing, subject such counsel to disciplinary action which may include warning, censure, removing from the hearing room of counsel, or a recommendation of contempt proceedings.

Proceed, Mr. Counsel.

Mr. ARENS. So that the record may be absolutely clear with reference to the observations I made on persons who have been with the National Labor Relations Board who have been identified as hard-core members of the Communist Party, one of those persons who was in the high echelon in the Board's operation was an Assistant General Counsel by the name of Nathan Witt.

Another one was a person who was then a member of the National Labor Relations Board by the name of Edwin Smith.

Mr. WITT. Edwin Smith was never Chairman of the National Labor Relations Board, Mr. Chairman. Furthermore, I am going to object to Mr. Arens' interference with this witness' right to counsel by attacking his counsel without any reason.

Mr. WILLIS. Proceed.

Mr. WITT. And without any—

Mr. ARENS. Would you answer the question?

Mr. WITT. Counsel has nothing to do with the purposes of this investigation.

Mr. ARENS. Now, Mr. Chairman, in view of the observations made completely in violation of the rules by counsel for this witness, I think it would be pertinent to make another explanation.

There is pending before the Committee on Un-American Activities legislation which would preclude identified Communist agents who are lawyers from appearing before congressional committees or appearing in executive departments on behalf of clients, for the reason that this committee has found over the course of many years that Communist agents who happen to have licenses to practice law do not actually represent the interests of their clients pursuant to the laws and the Constitution, but they, in truth and in fact, represent the interests of the international Communist conspiracy.

Now, Mr. Scioli, would you kindly answer the question which is pending?

(The witness conferred with his counsel.)

Mr. SCIOLI. What is the question again?

Mr. ARENS. The question that is pending is: Does the International Union of Mine, Mill, and Smelter Workers avail itself of the facilities of the National Labor Relations Board?

(The witness conferred with his counsel.)

Mr. SCIOLI. I made an objection and I would like to have a ruling from the Chair.

Mr. WILLIS. Your objection is not regarded as pertinent at all. You are ordered to answer the question.

(The witness conferred with his counsel.)

Mr. SCIOLI. Yes.

Mr. ARENS. Have the officers of the Mine, Mill, and Smelter Workers Union signed non-Communist affidavits, if you know?

(The witness conferred with his counsel.)

Mr. SCIOLI. Yes, they have.

Mr. ARENS. Have the officers of the locals within this area, to your knowledge, signed non-Communist affidavits?

(The witness conferred with his counsel.)

Mr. SCIOLI. Yes.

Mr. ARENS. Do you know a person by the name of Maurice Travis?

(The witness conferred with his counsel.)

Mr. SCIOLI. Yes.

Mr. ARENS. Do you know whether or not he is a Communist?

Mr. SCIOLI. Pardon?

Mr. ARENS. Do you know whether or not he is a Communist?

Mr. SCIOLI. I invoke my privilege under the fifth amendment to the Constitution to that question.

Mr. ARENS. Have you ever run for public office in the Buffalo area?

(The witness conferred with his counsel.)

Mr. SCIOLI. I object to the question under the first amendment.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer the question.

Mr. WILLIS. You are ordered to answer the question.

(The witness conferred with his counsel.)

Mr. SCIOLI. Would you repeat that question, please?

Mr. ARENS. Did you ever run for public office in the greater Buffalo area?

Mr. SCIOLI. Yes.

Mr. ARENS. On what ticket was that?

(The witness conferred with his counsel.)

Mr. SCIOLI. American Labor Party.

Mr. ARENS. At the time that you were a candidate for public office on the ticket of the American Labor Party, were you also a member of the Communist Party?

Mr. SCIOLI. I claim my privilege under the fifth amendment of our Constitution to that question.

Mr. ARENS. Do you know a person by the name of Joseph Chatley?

(The witness conferred with his counsel.)

Mr. SCIOLI. I invoke the fifth amendment of the Constitution to that question.

Mr. ARENS. Do you know a person by the name of Charles Regan?

Mr. SCIOLI. I claim the privilege of the fifth amendment under the Constitution to that question.

Mr. ARENS. Now, both of these men have taken an oath here and have testified that while they were members of the Communist Party they knew you as a Communist. Were they in error on that or were they telling the truth?

Mr. SCIOLI. The same answer. I invoke the fifth amendment of the Constitution.

Mr. ARENS. Where and when were you born?

Mr. SCIOLI. I was born in Buffalo, N. Y., in 1905.

Mr. ARENS. Give us, if you please, sir, a word of your education.

Mr. SCIOLI. A couple of years in high school.

Mr. ARENS. Was that all?

(The witness conferred with his counsel.)

Mr. SCIOLI. Your last question?

Mr. ARENS. Did that complete your education?

Mr. SCIOLI. I took a business training course in the Bryant and Stratton Business College.

Mr. ARENS. In the Buffalo area?

Mr. SCIOLI. Yes.

Mr. ARENS. Give us a thumbnail sketch of the principal employments which you have had since you completed your formal education. I do not mean menial tasks, such as a messenger boy or something like that, but just the principal employments you have had since you completed your education.

(The witness conferred with his counsel.)

Mr. SCIOLI. I worked for a good number of years for the Connors Contracting Co., who was a firm that did contract work for the Great Lakes Transit Corp. I also worked as a guard for the American Brass Co.

Mr. ARENS. How long have you been connected with the International Union of Mine, Mill, and Smelter Workers?

(The witness conferred with his counsel.)

Mr. SCIOLI. I joined the Mine, Mill, and Smelter Workers Union I believe in 1942.

Mr. ARENS. Have you been continuously employed since?

Mr. SCIOLI. Yes, sir.

Mr. ARENS. And where have you served in your employment with the International Union of Mine, Mill, and Smelter Workers?

Mr. WITT. There is a little ambiguity. Mr. Scioli was saying, I think, that he joined as a member in 1942, Mr. Arens.

Mr. ARENS. I beg your pardon.

How long have you been an employee of the International Union of Mine, Mill, and Smelter Workers?

Mr. SCIOLI. I was put on the staff by the International Union of Mine, Mill, and Smelter Workers, I believe, in February 1944.

Mr. ARENS. Have you been continuously employed ever since?

Mr. SCIOLI. Yes.

Mr. ARENS. And where have you served, in what areas?

Mr. SCIOLI. Principally in this area.

Mr. ARENS. Have you ever been interrogated by the membership of the International Union of Mine, Mill, and Smelter Workers with respect to the question as to whether or not you are a Communist?

(The witness conferred with his counsel.)

Mr. SCIOLI. I object to that question under the first amendment.

Mr. SCHERER. I ask you to direct the witness to answer.

Mr. WILLIS. You are directed to answer the question.

(The witness conferred with his counsel.)

Mr. SCIOLI. I invoke the fifth amendment of our Constitution to that question.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the staff interrogation of this witness.

Mr. WILLIS. The witness is excused.

Mr. ARENS. The next witness, Mr. Chairman, if you please, is Miss Mintz.

Mr. WILLIS. Kindly raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss MINTZ. I do.

TESTIMONY OF HELEN MINTZ, ACCOMPANIED BY COUNSEL,
JULES H. GORDON

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Miss MINTZ. My name is Helen Mintz. I live at the Hotel Touraine and I am a lawyer.

Mr. ARENS. You are appearing today, Miss Mintz, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Miss MINTZ. Yes.

Mr. ARENS. And you are represented by counsel?

Miss MINTZ. Yes, I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. GORDON. My name is Jules Gordon. I am an attorney in Buffalo, N. Y.

Mr. ARENS. How long have you been licensed to practice law in this vicinity or this State?

Miss MINTZ. For some years.

Mr. ARENS. When did you receive your license to practice law?

Miss MINTZ. Nineteen hundred and thirty-four.

Mr. ARENS. Have you been practicing law continuously in this area since 1934?

Miss MINTZ. Yes, I have.

Mr. ARENS. Give us a word about your education, please.

Miss MINTZ. Well, I have my B. A. degree from the University of Buffalo, and I have my law degree from New York University.

(The witness conferred with her counsel.)

Mr. ARENS. Have you been treasurer of the organization known as the Buffalo Chapter of the Win-the-Peace Committee?

Miss MINTZ. I believe so.

Mr. ARENS. And when was that, that you served in that capacity?

Miss MINTZ. I would not recall at this time. It must have been before we went into the war, before World War II.

Mr. ARENS. In the winter of 1946, were you treasurer of this chapter, the Win-the-Peace chapter?

Miss MINTZ. I have no recollection as to any dates.

Mr. ARENS. May I display to you, if you please, a photostatic reproduction of a newspaper account:

The Buffalo Chapter of the Win-the-Peace Committee still is alive and kicking, despite the unfavorable publicity resulting from certain of its activities which were held to savor of the Communist line.

Miss Helen Mintz, an attorney who is a clerk in the judgment room of City Court and as treasurer of the chapter, an active funds collector for the movement locally, says—

and, so forth. This is under date of November 14, 1946.

Kindly look at that article as reproduced in this photostat and see if that refreshes your recollection, Madam.

Miss MINTZ. Do you mind giving me the question again, Mr. Arens?

Mr. ARENS. Yes, Ma'am. Does that refresh your recollection with reference to the time of your official connection as an officer of this organization?

Miss MINTZ. As to the time, yes.

(Document marked "Mintz Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Are you a member of the National Lawyers Guild?

Miss MINTZ. Yes, I am.

Mr. ARENS. How long have you been a member of the National Lawyers Guild?

Miss MINTZ. I wouldn't recall just exactly how long. Some years.

Mr. ARENS. I beg your pardon?

Miss MINTZ. Some years. I couldn't recall at this time when I first joined.

Mr. ARENS. Have you ever held the post of chairman of a committee, or officership in any capacity, in the National Lawyers Guild?

Miss MINTZ. No, I have not.

Mr. SCHERER. For the record, Mr. Counsel, the National Lawyers Guild has been cited as a Communist front?

Mr. ARENS. The legal arm of the Communist Party or something like that.

Miss MINTZ, are you a member of the Communist Party?

Miss MINTZ. I am not now and never have been.

Mr. ARENS. Mr. Chairman, in the presence of this witness, I respectfully suggest that another witness be sworn.

Mr. Kinsey, would you kindly come forward?

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear, sir, that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KINSEY. I do.

TESTIMONY OF LOYD E. KINSEY

Mr. ARENS. Just have a seat, please, sir. Kindly identify yourself by name, residence, and occupation.

Mr. KINSEY. My name is Loyd Kinsey. I live in Angola, N. Y. I am an automobile salesman, mechanic and salesman.

Mr. ARENS. Mr. Kinsey, have you ever been a member of the Communist Party?

Mr. KINSEY. Yes, sir.

Mr. ARENS. Over what period of time were you a member of the Communist Party?

Mr. KINSEY. Approximately 1938 to 1947.

Mr. ARENS. I expect to interrogate you in greater detail a little later on, Mr. Kinsey, but could you tell us just at the moment the posts which you have held in the Communist Party of the Buffalo area?

Mr. KINSEY. I held three different positions. The first was the organizational secretary of the Erie County Communist Party. Secondly, as chairman or organizer of the Erie County Communist Party, and third as the coordinator of the Steel Section of the Communist Party of western New York.

Mr. SCHERER. I did not hear what was the first position he held. Did you say organizational secretary?

Mr. KINSEY. That is correct.

Mr. ARENS. Would it be convenient for you to keep your voice up a little bit, Mr. Kinsey?

Mr. KINSEY. I can't get it up much more, I don't believe.

Mr. ARENS. Perhaps you can speak a little more slowly.

Did you, during the course of your membership in the Communist Party, know a person as a Communist, to a certainty—

Mr. KINSEY. Oh, yes.

Mr. ARENS. By the name of Helen Mintz?

Mr. KINSEY. I did.

Mr. ARENS. Do you see in the courtroom today the person whom you knew as a Communist by the name of Helen Mintz?

Mr. KINSEY. I do.

Mr. ARENS. Kindly identify her.

Mr. KINSEY. The lady is sitting here.

Mr. ARENS. Now, Mr. Kinsey, we want you to be absolutely certain on this and if there is any doubt in your mind, remove it from your observations.

Under what circumstances and what were the facts which have caused you today to take an oath before this committee and lay your liberty on the line and testify that you knew this lady seated here, Helen Mintz, as a Communist?

Mr. KINSEY. The fact, Mr. Director, that as the organizer of the Erie County Communist Party I attended Communist Party club meeting at the Hotel Touraine at Miss Mintz's apartment.

Mr. ARENS. Was that a meeting, or were those meetings, at which only known, vouched-for members of the Communist Party were in attendance?

Mr. KINSEY. Only known and vouched-for Communist Party members.

Mr. ARENS. Was Miss Helen Mintz, the lady seated two seats to your left there, who has just been testifying, was she in attendance at those sessions?

Mr. KINSEY. She was.

Mr. ARENS. On the basis of your background and your experience and knowledge of the techniques and operation of the Communist Party, do you have any doubt in your mind whatsoever today, while you are under oath, that the lady seated two seats to your left was to a certainty a member of the Communist Party?

Mr. KINSEY. I have not, sir.

TESTIMONY OF HELEN MINTZ—Resumed

Mr. ARENS. Miss Mintz, you have just heard the testimony of the gentleman, Mr. Kinsey, have you not?

Miss MINTZ. Yes, I have, Mr. Arens.

Mr. ARENS. We want to give you an opportunity now, in the light of that testimony, to affirm or deny or qualify or make any statements which you should like to say.

Miss MINTZ. I have this to say, Mr. Arens. This witness is either lying or he is mistaken.

Mr. SCHERER. Mr. Arens, may I ask a question. Do you know this witness?

Miss MINTZ. Now that I see him, he looks vaguely familiar.

Mr. SCHERER. Was he ever in your apartment in the hotel?

Miss MINTZ. Not to my best recollection.

Mr. SCHERER. What hotel did you say you lived at?

Miss MINTZ. I live at the Hotel Touraine. I have lived there for a good many years, sir.

Mr. SCHERER. How long have you lived there?

Miss MINTZ. Since August of 1941.

Mr. SCHERER. And you have had an apartment there continuously since 1941?

Miss MINTZ. Yes, sir, that is my home.

Mr. SCHERER. Are you telling this committee that you do not recall ever having seen this witness in your apartment?

Miss MINTZ. That is to my best recollection, yes, sir.

Mr. SCHERER. You do not deny that he was there, do you?

Miss MINTZ. I have no recollection that he was ever there. It is on the basis of that recollection that I will have to deny it.

Mr. SCHERER. Do you deny his testimony that you held in your apartment, while you were there, meetings that were confined solely to known vouched-for members of the Communist Party?

Miss MINTZ. Absolutely.

Mr. SCHERER. I have no further questions.

Mr. ARENS. Have you held, ma'am—

(The witness conferred with her counsel.)

Mr. ARENS. Go ahead and complete your conference.

(The witness conferred with her counsel.)

* * * * *

Mr. ARENS. Are there any sessions of which you have a recollection of being in attendance with Mr. Kinsey of any character?

Miss MINTZ. I want to say this, Mr. Arens: This may answer your question. I have belonged to many organizations because I have always been considered a joiner. I have attended all kinds of meetings. None of them, to my best recollection, ever were closed party meetings, as you say, of the Communist Party.

They were never Communist meetings of any kind, to my knowledge. As to whether any Communist may have been present at any of those meetings, I had no knowledge at that time and certainly have no knowledge or recollection at this time.

Mr. ARENS. Have you held any of these meetings that you have just been describing in your home or in your apartment or your room, wherever you lived?

Miss MINTZ. Meetings of some kind?

Mr. ARENS. Yes.

Miss MINTZ. When I moved into the hotel, I entertained considerably.

Mr. ARENS. I do not mean social gatherings.

Miss MINTZ. A good many of the organizations that I belonged to, if I was a program chairman or on the board, if they very often wanted to have a meeting downtown, mine would be the convenient place. I was very happy for them to come over to my place rather than for me to go to someone else's home.

Mr. ARENS. Where do you live?

Miss MINTZ. I live at the Hotel Touraine. It is a very convenient downtown address.

Mr. ARENS. Do you have an apartment there?

Miss MINTZ. Yes, sir.

Mr. ARENS. How many rooms?

Miss MINTZ. I have just what you would call a sitting room and a bath.

Mr. ARENS. Do you have a recollection of any sessions of this character which you have been describing at your suite of rooms at the Hotel Touraine, at which Mr. Kinsey was in attendance?

Miss MINTZ. I have no recollection of any such kind of meetings.

TESTIMONY OF LOYD E. KINSEY—Resumed

Mr. ARENS. Mr. Kinsey, so that this record may be abundantly clear, I should like to invite your attention again to the observations made here by Miss Mintz.

You have heard her observation with respect to various sessions of a non-Communist variety. Does this observation by this lady in any way qualify your identification which you seem to be so positive of a few moments ago?

Mr. KINSEY. It does not change a thing.

Mr. ARENS. I beg your pardon?

Mr. KINSEY. It does not change anything.

Mr. ARENS. In the light of the testimony that has transpired here, do you now, while you are under oath, without equivocation, without qualification whatsoever, swear to Almighty God that this lady to your left here was, to a certainty, a member of the Communist Party and in attendance in closed sessions in which only known Communists were admitted?

Mr. KINSEY. I do.

Mr. ARENS. Do you recall, Mr. Kinsey, the number of sessions of this variety which you have been describing in which only known, identified, vouched-for Communists were admitted, in which this lady, Miss Mintz, was in attendance?

Mr. KINSEY. I am positive of three.

Mr. ARENS. And can you tell us the approximate year or years in which these meetings were held?

Mr. KINSEY. 1945 and 1946.

Mr. ARENS. What position did you have in the Communist Party in this vicinity at the time?

Mr. KINSEY. In 1945 I would have been the organizational secretary. In 1946 the county chairman or organizer.

Mr. ARENS. And do you recall the specific places where these, I believe you said, three sessions were held of closed party meetings at which this lady, Miss Mintz, was in attendance?

Mr. KINSEY. The Hotel Touraine, Buffalo.

Mr. ARENS. Were all three of these sessions to which you have been alluding held in her apartment?

Mr. KINSEY. That is correct.

Mr. ARENS. Do you recall the approximate floor on which her apartment is located or was located at the time?

Mr. KINSEY. That I could not be sure of anymore.

Mr. ARENS. Were you obliged to take an elevator to reach the apartment?

Mr. KINSEY. Yes.

Mr. ARENS. How many other persons were in attendance in these sessions? Was it a large gathering or a small gathering?

Mr. KINSEY. Some 6 or 8 people is all.

Mr. ARENS. Do you recall the names of any persons who, to your certain knowledge, were in attendance at any of these sessions in this lady's apartment, these Communist sessions which you have been describing?

Mr. KINSEY. Yes; for one there was a Mrs. Lyle Gordonier.

Mr. SCHERER. What was that name?

Mr. KINSEY. Mrs. Lyle Gordonier.

Mr. ARENS. I take it in passing now, you identify her as a Communist?

Mr. KINSEY. That is right. Milton Rogovin.

Mr. ARENS. And I take it you here and now identify him as a Communist?

Mr. KINSEY. That is right.

Mr. ARENS. He has been identified on this record before.

Mr. KINSEY. I can remember those two very clearly, and the others I would not be sure of at the moment.

Mr. ARENS. Mr. Kinsey, I need not, I am sure, impress upon you the seriousness of the situation which prevails in this session right now. Are there any factual circumstances which come to your mind respecting these sessions in this lady's apartment, Communist sessions that you have testified about? By factual situations, do you recall any particular discussions, any theme at the time?

Mr. KINSEY. No; I can't for this reason: That has been 11 or 12 years ago. Things that happened at that time would not be positive, as to the particular subjects discussed at those meetings.

Mr. ARENS. Do you recall at what time of day the sessions were held?

Mr. KINSEY. They were held in the evening, probably 8 o'clock or so.

Mr. ARENS. In these particular sessions, I take it you were in a position of leadership? Were you giving orders to the other comrades there on assignments or something of that kind?

Mr. KINSEY. Yes; something of that nature. Or I would lead discussion of the group or to convey certain messages from the Erie County party to the club.

Mr. ARENS. Do you recall any particular assignments you might have made about this particularly, any assignments you may have made to Miss Mintz?

Mr. KINSEY. No; I don't.

Mr. SCHERER. Mr. Chairman, may I interrupt a moment?

Mr. WILLIS. Yes.

TESTIMONY OF HELEN MINTZ—Resumed

Mr. SCHERER. Miss Mintz, do you know Mrs. Lyle Gordonier?

Miss MINTZ. That name sounds vaguely familiar, Mr. Scherer.

Mr. SCHERER. Just vaguely familiar?

Miss MINTZ. Vaguely familiar. That is a long time ago. If I knew her, it may have been from one of the numerous organizations I belonged to.

Mr. SCHERER. Do you recall her ever having been in your apartment?

Miss MINTZ. I couldn't say, sir; no. I have no recollection as to that.

Mr. SCHERER. Do you know Mr. Milton Rogovin?

Miss MINTZ. Do I know Mr. Rogovin?

Mr. SCHERER. Yes.

Miss MINTZ. Yes; I know him. He is quite a well-known optometrist in the city. I have taken glasses from him. In fact, my reading glasses. They have quite an extensive business there and they give you a very good price on glasses. You save a few dollars. I imagine that is the reason I went and most everybody else goes there. They give you very good service.

Mr. SCHERER. Has he ever been in your apartment?

Miss MINTZ. Not to my knowledge, no, sir.

Mr. SCHERER. Did you know that Milton Rogovin was a member of the Communist Party?

Miss MINTZ. I did not know that, sir, and I do not know that to this day.

Mr. SCHERER. You did not know that he has been identified as a member of the Communist Party?

Miss MINTZ. No, sir.

Mr. SCHERER. This is the first time that you learned that he was a member of the Communist Party, when it was mentioned by Mr. Arens here in the hearing room?

Miss MINTZ. Excuse me.

(The witness conferred with her counsel.)

Miss MINTZ. All I know is that he was identified as such, either this morning or yesterday, I don't recall. But I do not know him to be.

Mr. SCHERER. Did you belong to any organizations with Mr. Rogovin?

Miss MINTZ. I have no recollection of that, sir. I could not answer that. It may be. A lot of people were members of a good many of the organizations that I belonged to and belong to today.

Mr. SCHERER. As far as you know now, you have no recollection of ever having been a member of the organization of which Mr. Rogovin was also a member?

Miss MINTZ. I may have been. I would not say no. I know Mr. Rogovin is a member of the Buffalo Chamber Music Society. I see him at concerts, so I know he is there. He is a series holder. But anything that far back, I would not have any recollection to say one way or the other.

Mr. SCHERER. You knew him the last time you bought glasses from him, did you not?

Miss MINTZ. That is right.

Mr. SCHERER. Do you belong to any organization with him at the present time?

Miss MINTZ. I don't think so, though I have seen his family attend an occasional meeting of the Buffalo Hiking Club a few years ago. That is the only thing I can recall offhand. I was a member of that organization for some time.

Mr. SCHERER. But you have not met with Mr.—

Miss MINTZ. I see him at concerts. That is all I can tell you about him.

Mr. SCHERER. But you have not met with Mr. Rogovin in the last few years, have you?

(The witness conferred with her counsel.)

Mr. SCHERER. That is, as a member of some organization.

(The witness conferred with her counsel.)

Miss MINTZ. I don't recall that I met with him on any organizational affairs within the last few years and I can't recall whether I ever did.

Mr. SCHERER. When was the last time that he was in your apartment?

Miss MINTZ. I don't recall that Mr. Rogovin ever was in my apartment.

Mr. SCHERER. I have no further questions.

Mr. ARENS. Now, Ma'am, when did you learn, if you have learned, that the National Lawyers Guild, of which you have been a member for some years, was cited as a Communist front?

(The witness conferred with her counsel.)

Mr. SCHERER. As the legal arm of the Communist Party, also.

Miss MINTZ. Mr. Arens, cited by whom?

Mr. ARENS. Did you have knowledge prior to the time of this hearing today that the National Lawyers Guild had been cited as a Communist front by any agency of the Government of the United States?

(The witness conferred with her counsel.)

Miss MINTZ. Mr. Arens, could you amplify that? I do not want to appear to be splitting hairs, but I don't know—

Mr. ARENS. Ma'am, have you ever known, prior to the time you entered this session with us today, that the National Lawyers Guild, of which you have been a member for many years, has been cited as a Communist front by some agency of the Government of the United States?

(The witness conferred with her counsel.)

Miss MINTZ. Mr. Arens, as long as you are using the word "cited" I don't know what cited means. All I can say is that there are some people who consider it as such a front, but I do not know that it has been cited. I know it has been involved in litigation with the Attorney General's Office.

Mr. ARENS. Did you know that the Attorney General of the United States has cited, has listed, the National Lawyers Guild as a Communist front?

Miss MINTZ. I have no knowledge that it has ever been listed. I remember reading in the paper the remarks of the Attorney General to some bar association.

Mr. ARENS. I beg your pardon?

Miss MINTZ. That is all I know about it, that it has been considered so by the Attorney General's Office, but I don't know that it has been cited. That is all I can say.

Mr. ARENS. When did you obtain the information that the Attorney General of the United States has listed or cited or condemned the National Lawyers Guild as a Communist front? About when did you learn all that?

(The witness conferred with her counsel.)

Miss MINTZ. To the best of my recollection, Mr. Arens, I saw something in the paper to the effect that the Attorney General had made a speech before a meeting of the American Bar Association—

Mr. ARENS. When?

Miss MINTZ. —as to when he was going to do. I think several years ago, to my best recollection.

Mr. ARENS. Did that arouse your curiosity as to the nature of the organization with which you were then allied?

(The witness conferred with her counsel.)

Mr. SCHERER. Is there a question pending, Mr. Counsel?

Mr. ARENS. Yes, sir.

(The witness conferred with her counsel.)

Miss MINTZ. Mr. Arens, the fact that the Attorney General has named the National Lawyers Guild to my mind does not prove anything. The Attorney General——

Mr. ARENS. Would you kindly answer the question?

Miss MINTZ. The Attorney General——

Mr. ARENS. Just answer the question: Did that arouse your curiosity?

Miss MINTZ. No; it did not. I would like to say why. The Attorney General has named a lot of organizations which I consider fine organizations. It has never been proved as such. I consider it a very fine organization.

Mr. ARENS. How many organizations——

Mr. SCHERER. Just a minute. Let us see about the National Lawyers Guild. It has been cited three times as a Communist front. It was first cited as a Communist-front organization, the first time, back in 1944 by a Special Committee on Un-American Activities, House Report 1311, on CIO Political Action Committee.

Then it was cited the second time as a Communist front, as the foremost legal bulwark of the Communist Party, its front organizations, and controlled unions, and which, since its inception, has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents. That finding was made by the House Committee on Un-American Activities in its report on September 21, 1950.

The third time was by the Senate Internal Security Committee on April 23, as late as 1956. The Senate Internal Security Committee says the National Lawyers Guild is: To defend the cases of Communist lawbreakers, fronts have been devised making special appeals in behalf of civil liberties and reaching out far beyond the confines of the Communist Party itself. Among these organizations is the National Lawyers Guild. When the Communist Party itself is under fire, these offer a bulwark of protection. I think the record should disclose those facts.

Mr. ARENS. Now, how many organizations which have been cited as Communist fronts by an agency of the Government of the United States have you belonged to after the citation was announced?

(The witness conferred with her counsel.)

Miss MINTZ. I would not know at this time.

Mr. ARENS. Have you belonged to some others besides the National Lawyers Guild?

(The witness conferred with her counsel.)

Miss MINTZ. You would have to name some specific organizations, Mr. Arens.

Mr. ARENS. I could not tell you the ones you have belonged to. I am asking you if you have knowledge of some that you have belonged to, other than the National Lawyers Guild, after they were cited.

Miss MINTZ. I have no recollection at the moment. I don't remember. As I said before, I have belonged to many organizations and I belong to many organizations now.

Mr. ARENS. Didn't the situation or didn't the information that came to you that the Attorney General had made this speech you talked about condemning the National Lawyers Guild as a Communist operation, or Communist-front organization, didn't that stimulate your curiosity as to the nature of the organization you might be in so that you might want to look around and see if it isn't quite what it appears to be?

Miss MINTZ. I thought I already answered that question, Mr. Arens. You asked substantially the same question before.

Mr. ARENS. Then answer it again, ma'am, because I am not satisfied with your answer.

Miss MINTZ. The mere fact that the Attorney General made that statement does not prove anything, to my mind, as a lawyer, no, Mr. Arens.

Mr. ARENS. Did it not even arouse your curiosity a little bit?

Miss MINTZ. The Attorney General has attempted to condemn a good many organizations that I consider fine organizations. They have never proved that they were Communist dominated or Communist fronts. They have certainly never proved it to my satisfaction.

Mr. SCHERER. Let me say—

Miss MINTZ. That would not arouse my suspicion.

Mr. SCHERER. The citations of the two committees of Congress were made after extensive hearings, hearings which took a great deal more time than the present hearings in which we are engaged.

Mr. ARENS. Can you now name some of the organizations that have been cited as Communist front or as Communist fronts which are not Communist fronts?

You have given a sweeping statement here as to a number of them.

(The witness conferred with her counsel.)

Miss MINTZ. At this moment, I can't recall any, Mr. Arens.

Mr. ARENS. Even though you felt in your own mind that the Attorney General may not have had sufficient proof upon which to make his assertion that the National Lawyers Guild was Communist controlled or dominated, didn't it arouse a little suspicion within your mind that you might want to look around and see and check and find out what he knew about it?

(The witness conferred with her counsel.)

Miss MINTZ. Mr. Arens, any suspicions I may have had in my mind at that time, I fail to see that there is any pertinency to this investigation at all.

Mr. ARENS. Are you declining to answer the question?

Miss MINTZ. I think I should.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness now be ordered and directed to answer the question.

Mr. WILLIS. Yes. I will direct you to answer the question.

(The witness conferred with her counsel.)

Miss MINTZ. What was the question, Mr. Arens? I sort of lost the question. What was the question, Mr. Arens?

Mr. ARENS. Let us start another round, if you please. Have you solicited information, to your knowledge, from the Embassy of the Soviet Union, solicited any bulletins?

(The witness conferred with her counsel.)

Miss MINTZ. What information are you talking about, Mr. Arens?

Mr. ARENS. Any bulletins. Have you ever solicited any bulletins from the Soviet Embassy here in the United States?

Miss MINTZ. Are you referring to an information factual sheet that they used to put out?

Mr. ARENS. Well, that would be one; yes, ma'am. Have you solicited any such?

Miss MINTZ. I got that in the mail for some years. They were sending it throughout the area. Then if my recollection serves me correctly, there came a time when they sent cards to the people who were on their mailing list, asking if they wanted to be continued.

Mr. ARENS. Over what period of time did you receive this?

Miss MINTZ. I have no recollection as to the time at all, Mr. Arens.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the staff interrogation of this witness.

Mr. WILLIS. The witness will be excused.

Mr. ARENS. I respectfully suggest now, Mr. Chairman, that Mr. Kinsey assume the principal witness chair and let us proceed with further interrogation of him.

TESTIMONY OF LOYD E. KINSEY—Resumed

Mr. ARENS. Mr. Kinsey, as this record has been interrupted here with colloquy and another witness, I think it would be clearer if you would kindly start over again at the moment by giving us your name, residence, and occupation.

Mr. KINSEY. My name is Loyd Kinsey. I live at Angola, N. Y. I am employed as a salesman and mechanic in an automobile repair shop.

Mr. ARENS. Now tell us, if you please, sir, whether or not you have been a member of the Communist Party and, if so, over what period of time.

Mr. KINSEY. I have, sir. I was a member of the Communist Party in the years of approximately 1938 to June 1947.

Mr. ARENS. Were you ideologically identified with the party?

Mr. KINSEY. I was.

Mr. ARENS. And where did you join the party?

Mr. KINSEY. In Buffalo, N. Y.

Mr. ARENS. And tell us, if you please, sir, the highlights of your career in the Communist Party, from the standpoint of the posts which you held.

Mr. KINSEY. The important posts I held within the party were organizational secretary of the Erie County party and later the chairman or organizer of the Erie County Communist Party and later than that, and finally, steel coordinator of the Steel Section of the Communist Party in western New York.

When I speak of western New York, that means anything this side of New York City.

Mr. ARENS. What caused you to disassociate yourself from the Communist Party?

Mr. KINSEY. Well, I began to learn for myself that it was not the type of organization I thought I had joined organizationally.

Mr. ARENS. To what extent during the course of your career in the Communist Party did the Communist apparatus undertake to emphasize heavy industry, particularly steel?

Mr. KINSEY. Well, that was a key point being worked for by the party, generally. When I speak generally, I don't only mean of New York State. It was a national question as to the concentration of the party in basic industry, using steel as No. 1 and, I believe, auto, No. 2, and on down the line.

They had some 5 or 6 basic industries.

Mr. ARENS. Before I forget about it, since you broke from the Communist Party, you have never testified publicly in a Smith Act case, have you?

Mr. KINSEY. I have not.

Mr. ARENS. Nor have you testified before a congressional committee?

Mr. KINSEY. I have not.

Mr. ARENS. But you have testified, have you not, for your Government, for the Immigration and Naturalization Service, the Department of Justice, in certain deportation cases?

Mr. KINSEY. I have.

Mr. ARENS. In which the Government has solicited your testimony and has vouched for your veracity; is that correct?

Mr. KINSEY. I have.

Mr. ARENS. I don't want your testimony today to unnecessarily duplicate the theme which has been testified to by other witnesses here, but I should like to ask you if there are persons in the course of your activity in the Communist Party whom you knew to a certainty to be Communists.

Mr. KINSEY. Well, there were quite a number of those.

Mr. ARENS. I should like to interrogate you with reference to a number of these people. I will call some names here, and you tell us, first of all, whether or not to a certainty you knew that person to be a Communist and, if so, just a word of identification.

James Annaccone?

Mr. KINSEY. James Annaccone, yes, was at that time, as I recall him, the organizer for the United Electrical, Radio, and Machine Workers of America.

Mr. ARENS. Charles Warren Brown?

Mr. KINSEY. Charles Warren Brown was a redcap at New York Central radio station in Buffalo, N. Y.

Mr. ARENS. Mr. Michael Clune and his wife?

Mr. KINSEY. When I knew Michael Clune he was organizer for the CIO under Hugh Thompson.

Mr. ARENS. Do you know where he is now?

Mr. KINSEY. I beg your pardon?

Mr. ARENS. Do you know where he is now?

Mr. KINSEY. I do not.

Mr. ARENS. Samuel Coleman?

Mr. KINSEY. Samuel Coleman was the chairman of the Erie County Communist Party ahead of me, and I succeeded him. Later he became

the organizational secretary for the western New York subdistrict of the New York Communist Party.

Mr. WILLIS. What do you mean organizational secretary? Organizational secretary of the Communist Party?

Mr. KINSEY. Of the Communist Party.

Mr. ARENS. Russell J. DePasquale?

Mr. KINSEY. Russell DePasquale worked in Bethlehem Steel, I believe in a bar mill, as I recall it.

Mr. ARENS. Incidentally, you knew these people whose names I have just been calling, did you know each and every one of them to a certainty to be a Communist?

Mr. KINSEY. I did.

Mr. ARENS. Including Russell DePasquale?

Mr. KINSEY. Yes.

Mr. ARENS. The names that I call off now, as you proceed, tell us whether to your certain knowledge you can identify them as Communists. Charles A. Doyle?

Mr. KINSEY. Yes, Charles Doyle, when I first knew him was organizer for the Steelworkers and later became associated with the United Gas, Coke, and Chemical Workers, I believe.

Mr. ARENS. And you knew him as a Communist?

Mr. KINSEY. Correct.

Mr. ARENS. Emanuel Fried?

Mr. KINSEY. Emanuel Fried was an organizer for the United Electrical and Machine Workers.

Mr. ARENS. And you knew him as a Communist?

Mr. KINSEY. I did.

Mr. WILLIS. When you say organizer, do you mean in the labor movement?

Mr. KINSEY. United Electrical, Radio, and Machine Workers was a CIO organization.

Mr. ARENS. Luther Graves, did you know him as a Communist?

Mr. KINSEY. Yes.

Mr. ARENS. And a word of description?

Mr. KINSEY. Luther Graves worked at the American Brass Co.

Mr. ARENS. Joseph Green?

Mr. KINSEY. Yes. He worked at one of the foundries within the city, and I can't recall which one it was.

Mr. ARENS. Did you know him as a Communist?

Mr. KINSEY. I did.

Mr. ARENS. Gertrude Hassler?

Mr. KINSEY. Yes; one of the oldtimers.

Mr. ARENS. Did you know her as a Communist?

Mr. KINSEY. I did.

Mr. ARENS. Diantha Hoag?

Mr. KINSEY. Yes.

Mr. ARENS. Archie Jackson?

Mr. KINSEY. Yes.

Mr. ARENS. Can you give us a word of description of Archie Jackson? When you say "Yes," you mean yes, you think you knew him as a Communist?

Mr. KINSEY. Yes; I knew him as a Communist. I can't remember where he was working.

Mr. ARENS. Edward Landy, did you know him as a Communist?

Mr. KINSEY. Yes. He was organizer for United Electrical, Radio, and Machine Workers.

Mr. ARENS. Donald Lindquist?

Mr. KINSEY. Yes.

Mr. ARENS. Did you know him as a Communist?

Mr. KINSEY. Right.

Mr. ARENS. And a word of description?

Mr. KINSEY. I can't remember where he was employed.

Mr. ARENS. Hattie Lumpkin, did you know her as a Communist?

Mr. KINSEY. I did.

Mr. ARENS. Frank Mayer, did you know him as a Communist?

Mr. KINSEY. Yes.

Mr. ARENS. Where did you know Frank Mayer, where did he work?

Mr. KINSEY. Willard Corp.

Mr. ARENS. Vincent Pacile, did you know him as a Communist?

Mr. KINSEY. Yes.

Mr. ARENS. Where did he work?

Mr. KINSEY. Westinghouse.

Mr. ARENS. Norton Putter, did you know him as a Communist?

Mr. KINSEY. I did.

Mr. ARENS. And where did he work?

Mr. KINSEY. Well, for who he worked for, I don't know. He was a drug salesman at that time.

Mr. ARENS. Charles Regan, did you know him as a Communist?

Mr. KINSEY. Charles Regan? Yes.

Mr. ARENS. Milton Rogovin, did you know him?

Mr. KINSEY. Yes.

Mr. ARENS. And where did he work?

Mr. KINSEY. He was an optometrist. He had his own office in the Root Building on Chippewa Street in Buffalo.

Mr. ARENS. Norman Ross, did you know him as a Communist?

Mr. KINSEY. Yes.

Mr. ARENS. Joseph Scioli, did you know him as a Communist?

Mr. KINSEY. I did.

Mr. ARENS. Robert Williams, did you know him as a Communist?

Mr. KINSEY. I did.

Mr. ARENS. Where did he work?

Mr. KINSEY. I believe it was Bethlehem Steel. Either Bethlehem or Republic. I believe it was Bethlehem Steel.

Mr. ARENS. Was there any other person who, to a certainty, you knew to be a Communist?

Mr. KINSEY. Certainly. There was a lot more than that.

Mr. ARENS. I would respectfully suggest that you keep in touch with us. We will keep in touch with you from the standpoint of any further identification of which you may be possessed to a certainty.

Mr. Chairman, the other testimony of this witness, I conclude, on the basis of the interrogation held by the staff informally, would only be cumulative of what we have here. If you would like to get it into it, we can.

Mr. WILLIS. The staff already has it?

Mr. ARENS. Yes; I just don't want to encumber the record at this session with repetition. I would suggest, Mr. Chairman, that that would conclude the interrogation of this witness.

Mr. KINSEY. I would like to make one short statement, if I may. I want it clearly understood that I have not been coerced in any manner whatsoever to give this testimony. I did it of my own free will.

I did appear here because of a subpoena, but that is the normal procedure. Certainly, I have not been coerced at all.

Mr. ARENS. I have never laid eyes on you, or you laid eyes on me, prior to an hour before we came into this session this afternoon. But you have been in session and have been interrogated staffwise by other members of the staff; is that correct?

Mr. KINSEY. That is correct.

Mr. WILLIS. Let me say in view of the obvious importance of your testimony, our staff was very careful in talking to you and making up their own minds about the whole thing.

Thank you so much. You are excused.

Mr. SCHERER. Mr. Chairman, I move that this subcommittee recommend to the full committee that the testimony of Helen Mintz and all other testimony referring to her be submitted to the Department of Justice for consideration of possible perjury.

Mr. WILLIS. That course will certainly be followed. I suggest a 5-minute recess at this point.

(Brief recess.)

(The following members of the subcommittee were present at the taking of the recess: Representatives Edwin E. Willis, of Louisiana, and Gordon H. Scherer, of Ohio.)

Mr. WILLIS. The subcommittee will be in order.

(Present at the convening of the session were Representatives Edwin E. Willis and Gordon H. Scherer.)

Mr. WILLIS. Call your next witness, please, Mr. Counsel.

Mr. ARENS. Mr. Israel Levine, please come forward.

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear that the testimony which you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEVINE. I do.

TESTIMONY OF ISRAEL LEVINE, ACCOMPANIED BY COUNSEL, HAROLD FAHRINGER, JR.

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. LEVINE. My name is Israel Levine. I reside at 622 East Ferry Street, and I am a papercutter.

Mr. ARENS. Where are you employed, please?

Mr. LEVINE. At the Rosen Printing Co.

Mr. ARENS. You are appearing today, Mr. Levine, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. LEVINE. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Mr. LEVINE. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. FAHRINGER. My name is Harold Fahringer. I reside at 195 Linwood Avenue.

Mr. ARENS. How long have you been employed at your present place of employment?

Mr. LEVINE. Approximately 2½ years.

Mr. ARENS. Where were you employed immediately prior to that time?

Mr. LEVINE. At several printing plants here in Buffalo.

Mr. ARENS. Over what period of time were you employed in these several printing plants?

Mr. LEVINE. Approximately in the 6-month period.

Mr. ARENS. Have you ever been employed at Bethlehem Steel?

(The witness conferred with his counsel.)

Mr. LEVINE. No, sir; I have never been employed at Bethlehem Steel.

Mr. ARENS. Have you ever made application for employment at Bethlehem Steel?

(The witness conferred with his counsel.)

Mr. LEVINE. Sir, I respectfully decline to answer that question on the basis of the first amendment.

Mr. ARENS. The basis of what amendment?

Mr. LEVINE. The first and fifth amendments, sir.

Mr. ARENS. Which provision of the fifth amendment are you invoking, please, sir?

(The witness conferred with his counsel.)

Mr. LEVINE. The entire fifth amendment.

Mr. ARENS. I beg your pardon?

Mr. LEVINE. I said the entire fifth amendment.

Mr. ARENS. How much education have you had?

(The witness conferred with his counsel.)

Mr. LEVINE. The same answer on that one, sir.

Mr. ARENS. Have you had any college education?

(The witness conferred with his counsel.)

Mr. LEVINE. What was that question again, sir?

Mr. ARENS. I beg your pardon?

Mr. LEVINE. The question again?

Mr. ARENS. What education have you had?

Mr. LEVINE. I refuse to answer that question on the basis of the fifth amendment, sir.

Mr. ARENS. Do you honestly apprehend that if you told this committee while you are under oath the education you have had, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. LEVINE. Sir, I feel that it might put me into an unjust prosecution, sir.

Mr. ARENS. Would the prosecution be unjust?

Mr. LEVINE. To my mind, yes, sir.

Mr. ARENS. Then I respectfully suggest that you answer the question and tell this committee now what your education is.

(The witness conferred with his counsel.)

Mr. LEVINE. I very respectfully decline to answer that question on the basis of the fifth amendment, sir.

Mr. ARENS. Now, sir, I would like to display to you a photostatic copy of your application for employment as an employee at the Bethlehem Steel Corp., signed "Israel Levine."

Please look at this and see if you can't help this committee by verifying the authenticity of the reproduction of your signature there.

(A document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. LEVINE. I refuse to acknowledge or recognize that document upon the rights I have under the first and fifth amendment of the Constitution.

(Document marked "Israel Levine Exhibit No. 1," and retained in committee files.)

Mr. ARENS. I put it to you as a fact, sir, and ask you to affirm or deny the fact that this is your signature and this is a photostatic reproduction of the original application which you made for employment in 1954, at the Bethlehem Steel Corp.

(The witness conferred with his counsel.)

Mr. LEVINE. I decline to answer on the basis of the previous answer.

Mr. FAHRINGER. Mr. Director, may I have permission to request of the committee that any photographs or films to be used in television not be taken?

Mr. ARENS. That request will be observed, sir, during the testimony of the witness.

In this application for employment at Bethlehem Steel, you don't list any education beyond high school, is that correct?

(The witness conferred with his counsel.)

Mr. LEVINE. I believe I have answered that question before, sir.

Mr. ARENS. Answer it again, then, please.

Mr. LEVINE. On the basis of the previous statement under the first and fifth amendment, sir I decline to answer.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. LEVINE. I decline to answer that question on the basis of the first and fifth amendments to the Constitution.

Mr. ARENS. I lay before you now a photostatic copy of your scholastic attainments which we have received from City College. Kindly look at this and see if that refreshes your recollection and see if you can be good enough to verify the authenticity of that document.

(A document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. LEVINE. Sir, again I refuse to recognize or identify that document.

(Document marked "Israel Levine Exhibit No. 2," and retained in committee files.)

Mr. ARENS. Have you been chairman of the Academic Freedom Commission of Metropolitan New York Region, National Student Association?

(The witness conferred with his counsel.)

Mr. LEVINE. I refuse to answer that question, sir, on the basis—on the first amendment and its implications there. It goes into my opinions and beliefs which I take as my rights under the first amendment, sir.

Mr. ARENS. I lay before you now a photostatic reproduction of the Communist Daily Worker of December 23, 1947.

This document lists one I. Levine, chairman of the Academic Freedom Commission of the Metropolitan New York Region, National Student Association.

Kindly look at that document and see if that refreshes your recollection with reference to your participation in that enterprise.

(A document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. LEVINE. Sir, I decline to answer that question. I believe that the line of questioning is outside the jurisdiction of this committee.

Mr. ARENS. Is that the only ground on which you refuse to answer that question?

Mr. LEVINE. No, sir. I use the first and the fifth, sir.

(Document marked "Israel Levine Exhibit No. 3," and retained in committee files.)

Mr. ARENS. Mr. Chairman, we have no further questions of this witness.

Mr. WILLIS. The witness is excused.

Mr. LEVINE. Thank you.

Mr. FAHRINGER. For the record, am I to be assured that the pictures that were taken here before we requested that they not be taken, will not be shown on television?

Mr. ARENS. The committee has no control over the pictures.

Mr. WILLIS. You did not make any request.

Mr. FAHRINGER. I requested while the pictures were being taken, sir.

Mr. WILLIS. I did not know. Here is the rule. They will have to respect it. The rule is this: As long as a witness is not sworn, he is not under our jurisdiction. The press and papers can blast him all they please. We have only control after they testify. So whatever pictures were taken before, I have no jurisdiction.

Mr. FAHRINGER. My only request—

Mr. WILLIS. Did you hear?

Mr. ARENS. Some time during the course of the proceedings, Mr. Chairman, the counsel protested that pictures were being taken and made the request—

Mr. WILLIS. Were you the one who talked to me?

Mr. FAHRINGER. Yes. I talked to you outside and I rose while the pictures were being taken.

Mr. SCHERER. I heard him, and the press stopped when he made the request.

Mr. FAHRINGER. Thank you.

Mr. ARENS. The next witness will be Mr. Vincent Pacile.

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PACILE. I do.

TESTIMONY OF VINCENT PACILE, ACCOMPANIED BY COUNSEL,
DWIGHT CAMPBELL, JR.

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

(The witness conferred with his counsel.)

Mr. CAMPBELL. May I request, please, that no pictures be taken during his testimony?

Mr. WILLIS. That will be followed.

Mr. PACILE. Vincent Pacile, Westinghouse.

Mr. ARENS. Where?

Mr. PACILE. Cheektowaga plant.

Mr. ARENS. You are appearing today, Mr. Pacile, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

(The witness conferred with his counsel.)

Mr. PACILE. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Mr. PACILE. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. CAMPBELL. Dwight Campbell, 1800 Rand Building, Buffalo, N. Y.

Mr. ARENS. How long have you been employed at Westinghouse, Mr. Pacile?

Mr. PACILE. Over 11 years.

Mr. ARENS. In what capacity?

Mr. PACILE. As a wireman.

Mr. ARENS. Where were you employed prior to your employment presently at Westinghouse?

Mr. PACILE. I beg your pardon?

Mr. ARENS. Where was your previous employment?

Mr. PACILE. Before I worked at Westinghouse?

Mr. ARENS. Yes, sir.

(The witness conferred with his counsel.)

Mr. PACILE. Sloan Roofing.

Mr. ARENS. I beg your pardon?

Mr. PACILE. A roofing company.

Mr. ARENS. Where?

Mr. PACILE. Sloan, N. Y.

Mr. ARENS. Are you a member of a labor organization?

(The witness conferred with his counsel.)

Mr. ARENS. Are you a member of a labor organization?

Mr. PACILE. Yes.

Mr. ARENS. What labor organization?

Mr. PACILE. IUE-CIO.

Mr. ARENS. Have you ever held an office, post of authority, in IUE-CIO?

(The witness conferred with his counsel.)

Mr. PACILE. I was a steward there.

Mr. ARENS. Have you ever been on the negotiating committee?

(The witness conferred with his counsel.)

Mr. CAMPBELL. I believe, sir, the witness may have some confusion as to time. I believe your questions were addressed to the IUE?

Mr. ARENS. Have you ever been on the negotiating committee of any labor organization?

(The witness conferred with his counsel.)

Mr. PACILE. I decline on the first and fifth amendments.

Mr. ARENS. Were you an official or an officer in IUE?

(The witness conferred with his counsel.)

Mr. PACILE. I feel that I have to decline on the first and fifth amendments.

Mr. ARENS. Do you feel that if you told us the truth on that question, you would be giving information that might be used against you in a criminal proceeding?

Mr. PACILE. I feel, again, that I have to use the first and fifth amendments.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. PACILE. I decline on the basis of the first and fifth amendments.

Mr. ARENS. Mr. Charles Regan and Mr. Loyd Kinsey both took an oath before this committee in the course of this last day or so and swore that while they were members of the Communist Party they knew you as a Communist.

We would like to give you an opportunity, now while you are under oath, to deny it. Do you care to avail yourself of that opportunity?

(The witness conferred with his counsel.)

Mr. PACILE. I decline on the first and fifth amendments.

Mr. ARENS. That concludes the staff interrogation of this witness, Mr. Chairman.

Mr. WILLIS. The witness is excused.

Mr. ARENS. Mr. Floyd Fried.

Mr. WILLIS. Raise your right hand, please.

Do you solemnly swear that the testimony you shall give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FRIED. I do.

**TESTIMONY OF FLOYD F. FRIED, ACCOMPANIED BY COUNSEL,
DWIGHT CAMPBELL, JR.**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. FRIED. Floyd Fried, 39 East Oakwood Place, Buffalo, N. Y.; and I am a boring mill operator at the Cheektowaga plant of the Westinghouse Corp.

Mr. ARENS. How long have you been employed there?

Mr. FRIED. One week short of 10 years.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. FRIED. Yes.

Mr. ARENS. And you are represented by counsel?

Mr. FRIED. Yes.

Mr. ARENS. Counsel, kindly identify yourself, please.

Mr. CAMPBELL. Dwight Campbell, Jr., 1800 Rand Building, Buffalo.

Mr. ARENS. Did you make written application for employment at Westinghouse in 1947?

Mr. FRIED. Yes, I did.

Mr. ARENS. May I display to you a photostatic copy of the application which we have procured from Westinghouse, on which your signature appears and see if you can help this committee by verifying the authenticity of that document.

(A document was handed to the witness.)

Mr. FRIED. I decline to identify this document on the basis of the first and fifth amendments. I do not think it is pertinent to this inquiry, also.

(Document marked "Fried Exhibit No. 1," and retained in committee files.)

Mr. ARENS. I would like to call your attention to something here. In this document, we see the following: "The Communist Party. Are you a member of the Communist Party?" We see here after that "No."

Then I see here the signature of Floyd F. Fried, 10-7-47. Did you represent to the Westinghouse Corp. in 1947 by fixing your signature to a document that you were not then a member of the Communist Party?

Mr. FRIED. I decline to answer, basing my declination on the first and fifth amendments, that part of the fifth amendment which says I do not have to testify against myself.

Mr. ARENS. Were you a member of the Communist Party when you made your application for employment at Westinghouse in 1947?

Mr. FRIED. I decline to answer on the basis of the first and fifth amendments.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. FRIED. I decline to answer on the basis of the first and fifth amendments.

Mr. ARENS. Do you know a person by the name of Joseph Chatley?

Mr. FRIED. I decline to answer on the basis of the first and fifth amendments.

Mr. ARENS. Do you know a person by the name of Charles Regan?

Mr. FRIED. I decline to answer on the same grounds.

Mr. ARENS. These two men took an oath in the course of the last day or so and swore before this committee that they knew you as a Communist. Were they in error or were they telling the truth?

Mr. FRIED. I decline on the basis of the first and fifth amendments, that part of the fifth amendment which says I do not have to testify in matters like that concerning myself.

Mr. ARENS. I beg your pardon?

Mr. FRIED. That part of the fifth amendment which says that a person does not have to testify against himself.

Mr. ARENS. In what type of proceeding?

Mr. FRIED. Mr. Chairman, I think that question is not pertinent to the inquiry.

Mr. ARENS. You know, of course, that the fifth amendment is properly invoked if you honestly apprehend that the information could be used against you in a criminal proceeding. Do you understand that?

Have you been a candidate for public office in the course of the last few years? More specifically, have you run for public office on the American Labor Party ticket here?

Mr. FRIED. I decline to answer on the basis of the first amendment and fifth amendment.

Mr. ARENS. What has been your educational background?

Mr. FRIED. Well, I have almost 4 years credit in college, but I did not secure that all at one time. I got approximately 2½ years of it later, after I was married, even, as part time going to Millard Fillmore School here in Buffalo.

Mr. ARENS. Was your employment in Buffalo procured for you, or suggested to you, by any person known by you to be a Communist?

Mr. FRIED. I went to Westinghouse because Westinghouse had a third shift, and it was necessary for me at the time to go to the University of Buffalo day school. That was the only reason I went there.

Mr. ARENS. During the course of your employment at Westinghouse, have you become a member of a labor organization?

Mr. FRIED. Yes; I have.

Mr. ARENS. What labor organization are you connected with?

Mr. FRIED. The IUE, AFL-CIO.

Mr. ARENS. Were you also connected with UE at one time?

Mr. FRIED. Yes. At one time UE was our certified bargaining agent. At that time I was a member of UE.

Mr. ARENS. Have you ever held an office, committee chairmanship, or anything of that character in either organization?

Mr. FRIED. You would hardly call it an office. I was a section steward and a line section steward, which is a little higher than section steward, in UE at one time, on third shift. Of course, there are very few workers on third shift.

Mr. ARENS. Were you required to sign a non-Communist affidavit?

Mr. FRIED. No; non-Communist affidavits were not required at the time.

Mr. ARENS. Were you a member of the Communist Party at the time you were holding this post of steward?

Mr. FRIED. I decline to answer on the first and fifth amendments.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the staff interrogation of this witness.

Mr. WILLIS. The witness is excused.

Mr. ARENS. Mr. Irving Cohen, kindly come forward.

Mr. WILLIS. Kindly raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COHEN. I do.

TESTIMONY OF IRVING R. COHEN, ACCOMPANIED BY COUNSEL, DAVID KOCHERY

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. COHEN. My name is Irving Cohen. I live at 97 Briggs Avenue. I am a milling-machine operator.

Mr. ARENS. You are appearing today in response to a subpoena issued by the House Committee on Un-American Activities?

Mr. COHEN. Yes; I am.

Mr. ARENS. You are represented by counsel?

Mr. COHEN. Yes, sir.

Mr. ARENS. Counsel, please identify yourself.

Mr. KOCHERY. David Kochery, Buffalo, N. Y.

Mr. ARENS. How long have you been employed at your present establishment?

Mr. COHEN. Since about the end of May of this year.

Mr. ARENS. And what do you do at this establishment?

(The witness conferred with his counsel.)

Mr. COHEN. Sir, before I answer that question, may I inquire whether the committee has received a telegram concerning my appearance before this committee?

Mr. ARENS. Yes. Mr. Chairman, a telegram was sent to the committee in which this witness requests that he not be taken in public session because he has already been taken in executive session.

As the chairman knows, the executive session was taken as a matter of protection to the witness. I, therefore, respectfully request that this request be overruled. I am sorry I had not brought it to the attention of the committee sooner. It just came in today.

Mr. WILLIS. The request is overruled. The executive session was for your own protection.

(The witness conferred with his counsel.)

Mr. COHEN. I should like to have that telegram entered into the record and I should like to have it stand as a basis for an objection to the jurisdiction of this committee.

Mr. ARENS. Now, would you kindly tell us what you do at the American Optical Co.?

Mr. COHEN. I mentioned before that I am a milling-machine operator.

Mr. ARENS. How long have you been employed there?

Mr. COHEN. Since May of this year.

Mr. ARENS. What did you do prior to May?

(The witness conferred with his counsel.)

Mr. COHEN. I decline to answer on the same grounds relied upon in answers in executive session.

Mr. ARENS. Then repeat those answers right now, please.

(The witness conferred with his counsel.)

Mr. COHEN. I should like to ask whether it is not sufficient that the reasons already appear on the record.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be directed now either to answer the question or to invoke his constitutional rights under the fifth amendment.

Mr. WILLIS. It is so ordered.

(The witness conferred with his counsel.)

Mr. COHEN. As the record already shows in executive session, I respectfully decline to answer on the ground of the Watkins decision, the first amendment and the fifth amendment to the Constitution.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. COHEN. I respectfully decline to answer on the same grounds.

Mr. ARENS. Where were you born?

Mr. COHEN. I was born in Russia.

Mr. ARENS. When?

Mr. COHEN. February 9, 1917.

Mr. ARENS. When did you come to the United States for permanent residence?

Mr. COHEN. In 1921, at the age of approximately 4½, I believe.

Mr. ARENS. Are you a citizen of the United States?

Mr. COHEN. I am a citizen of the United States on my father's naturalization papers.

Mr. ARENS. By derivation?

Mr. COHEN. By derivation, I believe.

Mr. ARENS. And a word about your education—just a brief sketch of your education.

Mr. COHEN. I entered college in 1934. I went to college on and off until 1940 without having received a degree. While serving in the Armed Forces—I believe in 1943—I was granted a degree based on my service in the Armed Forces.

Mr. ARENS. Were you a Communist while you were in the Armed Forces?

(The witness conferred with his counsel.)

Mr. COHEN. I respectfully decline to answer that question on the same basis previously given.

Mr. ARENS. Are you the author of a poem called Twelve Men?

(The witness conferred with his counsel.)

Mr. ARENS. I say to you frankly we do not know whether you did or not. We have a poem here from the Daily People's World by Irving Cohen. That is not an uncommon name. I am not asking the question except for purposes of identification.

Mr. COHEN. Sir, I may have written a poem as far back as when I was in high school but I have no other recollection. Can the poem be read?

Mr. ARENS. I beg your pardon?

Mr. COHEN. Could the poem be read?

Mr. ARENS. I wondered if you offered poems, verses, articles, or anything in the Communist Daily People's World, on the west coast.

(The witness conferred with his counsel.)

Mr. COHEN. To the best of my knowledge and recollection, sir, the answer is "No."

Mr. ARENS. When did you complete your college education?

Mr. COHEN. As I stated, I received my degree—I am unclear as to the exact year. I believe it was 1943.

Mr. ARENS. Solely for the purpose of identification, is your wife's name Martha or Marna?

(The witness conferred with his counsel.)

Mr. COHEN. I decline to answer on the husband and wife privilege.

Mr. ARENS. Is your son's name Paul?

(The witness conferred with his counsel.)

Mr. COHEN. I decline to answer on the first amendment.

Mr. ARENS. Have you made application—

Mr. SCHERER. Wait a minute. Was the question, "Is your son's name Paul," and he declined to answer?

Mr. ARENS. Yes, sir.

Mr. SCHERER. Mr. Chairman, I move you to direct the witness to answer the question.

Mr. WILLIS. I believe the question is pertinent on the basis of providing identification unless he has other reasons.

Mr. ARENS. This man's name is Irving Cohen, which is not an uncommon name.

Mr. COHEN. Would you please restate the reason for the question?

Mr. ARENS. We are a little uncertain—we know much of your back-

ground, but we do not know certain things here which we are trying to develop.

Is your son's name Paul?

(The witness conferred with his counsel.)

Mr. SCHERER. How could it incriminate you?

Mr. COHEN. My son's name is Paul.

Mr. ARENS. Did you make application for employment at the McKaig-Hatch, Inc., at Buffalo, in 1957?

(The witness conferred with his counsel.)

Mr. COHEN. Sir, I respectfully decline to answer that question on the basis of the Watkins decision and the first and fifth amendments.

Mr. ARENS. I lay before you now a photostatic reproduction of an application signed by Irving Cohen, who lists his son's name as Paul, for employment at the McKaig-Hatch, Inc., 125 Skillen Street, Buffalo, which Irving Cohen asserts that his education is just a high-school education.

Kindly look at that document and see if you can't accommodate the Committee on Un-American Activities by verifying its authenticity.

(A document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. COHEN. I decline to verify its authenticity on the same grounds, sir.

(Document marked "Irving Cohen Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

This is the last of the witnesses under subpoena to appear today.

Mr. WILLIS. The witness is excused and the committee will stand in recess until tomorrow morning at 10 o'clock.

(Whereupon, at 4:03 p. m., Thursday, October 3, the hearing in the above-entitled matter was recessed, to reconvene at 10 a. m., Friday, October 4, 1957.)

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE BUFFALO, N. Y., AREA—Part 2

FRIDAY, OCTOBER 4, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Buffalo, N. Y.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 10 a. m., in room 600, United States Courthouse, Buffalo, N. Y., Hon. Edwin E. Willis (chairman of the subcommittee), presiding.

Committee members present: Representatives Edwin E. Willis, of Louisiana, and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, director; George C. Williams and W. Jackson Jones, investigators.

Mr. WILLIS. The subcommittee will please come to order.

Our guests will be seated.

Counsel, will you please call your first witness?

Mr. ARENS. Arthur Bolton, kindly come forward.

Mr. WILLIS. Please raise your right hand. You do solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BOLTON. I do.

TESTIMONY OF ARTHUR BOLTON, ACCOMPANIED BY COUNSEL, DAVID KOCHERY

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. BOLTON. Arthur Bolton. I live in Buffalo, and I am a social worker.

Mr. ARENS. Where are you employed, Mr. Bolton?

Mr. BOLTON. At the Jewish Center of Buffalo.

Mr. ARENS. Would it be convenient for you to keep your voice up, please, sir?

You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. BOLTON. That is correct.

Mr. ARENS. And you are represented by counsel?

Mr. BOLTON. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. KOCHERY. David Kochery, Buffalo, N. Y.

Mr. ARENS. What is the nature of your employment, Mr. Bolton?

Mr. BOLTON. I am a social worker.

Mr. ARENS. What do you do as a social worker at the establishment at which you are employed?

Mr. BOLTON. Well, my responsibility involves the direction of a group-work program, the goals of that program being the development of healthy leisure-time activities of the membership. Of course, we are also interested in the growth and development of the individuals who are involved in the program with regard to their adjustment to other members of the Jewish Center that they participate with.

Mr. ARENS. How many people do you work with in your normal duties?

Mr. BOLTON. Do you mean how many members are there?

Mr. ARENS. Yes. How many people do you come in contact with in your work, in your social work that you are telling us about?

Mr. BOLTON. Several hundred.

Mr. ARENS. What is the age group that you work with?

Mr. BOLTON. Well, I work with ages 12 through to 17.

(The witness conferred with his counsel.)

Mr. ARENS. Are you ready?

Mr. BOLTON. Yes, sir.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. BOLTON. Since that question is in the area of my personal beliefs and associations, I do not feel I can answer, and I stand on the Watkins decision, the first amendment, and the fifth amendment.

Mr. ARENS. Which part of the fifth amendment do you invoke?

(The witness conferred with his counsel.)

Mr. BOLTON. I invoke the entire fifth amendment.

Mr. ARENS. Mr. Regan and Mr. Chatley both took an oath in the course of the last day or so before this committee and swore they knew you as a Communist. We want to give you an opportunity to deny that allegation while you are under oath.

Do you care to avail yourself of that opportunity?

(The witness conferred with his counsel.)

Mr. BOLTON. I do not.

Mr. ARENS. What is your local home address, please?

Mr. BOLTON. 29 Irving Place.

Mr. ARENS. Where and when were you born?

Mr. BOLTON. I was born in April 1928, in Hunts Point Hospital, the Bronx, N. Y.

Mr. ARENS. And a word about your education, please.

Mr. BOLTON. I have a bachelor's degree from New York University in 1949, a major in radio broadcasting, minors in English and sociology, and a master's degree in social service from the University of Buffalo in 1952.

Mr. ARENS. When did you receive each of these various degrees?

(The witness conferred with his counsel.)

Mr. BOLTON. I have indicated that already.

Mr. ARENS. Would you kindly accommodate me by repeating just the dates there? I didn't follow you closely. I am sorry.

Mr. BOLTON. My bachelor's degree is 1949, New York University. My master's degree from the University of Buffalo is June—well, this June was 3 years since I graduated, so that would make it 1953.

Mr. ARENS. What was your first principal employment after the conclusion of your formal education?

Mr. BOLTON. I worked as a Fuller Brush man in Buffalo.

Mr. ARENS. And for how long?

Mr. BOLTON. I don't know. It was a period of maybe 4 or 5 months.

Mr. ARENS. What was your next principal employment?

Mr. BOLTON. I worked at the Fedders-Quigan Corp. on Niagara Street, making air-conditioning units.

Mr. ARENS. And your next principal employment?

Mr. BOLTON. My next principal employment was at the Child Care Center, which is an institution, a residential treatment center for emotionally disturbed children, ages 6 to 13.

Mr. ARENS. When did you work there?

Mr. BOLTON. I worked there from the time that I completed my master's degree until last year. I worked there for a period of 2 years.

Mr. ARENS. Did you make an application for employment at the Ford Motor Co. at any time along this period?

Mr. BOLTON. I was employed at the Ford Motor Co. for a period of 1 week.

Mr. ARENS. Did you make an application to gain that employment?

Mr. BOLTON. Well, yes.

Mr. ARENS. Did you fill out an application form?

Mr. BOLTON. I must have.

Mr. ARENS. May I display to you a photostatic copy of what we understand is your application form and ask you if you will be kind enough to verify the authenticity of your signature.

(Document handed to witness.)

(The witness conferred with his counsel.)

Mr. BOLTON. This is mine. It appears to be mine.

Mr. ARENS. You will observe, Mr. Bolton, under the heading of education, the designation is that you have had a high-school education, and in the part of the form left for college education—1, 2, 3, or 4 years—there is no indication.

Did you forget about your college education when you made out that form, or was that an oversight, or was that intentional?

(The witness conferred with his counsel.)

Mr. BOLTON. I would like to explain that.

Mr. ARENS. We will be very happy to have you do so.

Mr. BOLTON. The job that I was applying for was—What is that?

Mr. KOCHERY. Mr. Chairman, the witness objects to the taking of motion pictures during his testimony.

Mr. WILLIS. That will be respected.

Mr. BOLTON. The job that I was applying for was a rather good-paying job—at least it was better than I was doing as a Fuller Brush man—on the assembly line of the Ford Motor Co. I did not put my college education on that application for two reasons: One, I didn't feel that it had any pertinence to the work that I would be doing and, secondly, knowing something about personnel—the field of personnel—I was aware of the fact that as a general rule, personnel people do not tend to hire college graduates for jobs of that nature, because, as a general rule, college graduates do not remain for any length of time on those jobs.

(Document marked "Arthur Bolton Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Were you a Communist when you filled out this form in March of 1950?

Mr. BOLTON. That, sir, again is a question in the area of personal beliefs and associations, and I will not answer it, and I stand upon the Watkins decision, the first amendment, and the fifth amendment.

Mr. ARENS. Now could you help us on this housing project matter here? Were you part of a group that was involved in a protest concerning the housing project here in the greater Buffalo area?

(The witness conferred with his counsel.)

Mr. BOLTON. Would you kindly repeat the question, sir?

Mr. ARENS. Were you part of a group involved in a protest pertaining to the housing operation, the housing projects, of this area?

Mr. KOCHERY. May we have a moment, Mr. Arens?

Mr. ARENS. Yes.

(The witness conferred with his counsel.)

Mr. BOLTON. This question is again in the area of beliefs and associations, and I refuse to answer, basing myself on the Watkins decision, the first and fifth amendments.

Mr. ARENS. You remember back in 1953, do you not, when they had a housing project here, and when it was required as part of the application of residents or proposed residents of the housing project, that they sign a loyalty oath?

Do you remember that incident or that set of circumstances?

(The witness conferred with his counsel.)

Mr. BOLTON. I recall hearing about that.

Mr. ARENS. What was your telephone number in 1953? Do you recall?

Mr. BOLTON. I do not recall my telephone number.

Mr. ARENS. Would it be MA 7039?

Mr. BOLTON. I don't recall.

Mr. ARENS. Where did you live in 1953?

(The witness conferred with his counsel.)

Mr. BOLTON. At that time I lived in the Lakeview housing project. I was in attendance at the School of Social Work at that time.

Mr. ARENS. And what was the address?

Mr. BOLTON. The exact number I can't recall. It was a Verdi Walk address.

Mr. ARENS. Was it 16 Verdi Walk?

Mr. BOLTON. That is correct.

Mr. ARENS. Did you, as a prerequisite to your admission to the housing project, sign a loyalty oath?

(The witness conferred with his counsel.)

Mr. BOLTON. When I applied for entrance in the housing project, there was no requirement that I sign a loyalty oath at the time of my application for public housing.

Mr. ARENS. Was a requirement subsequently inaugurated, or instituted, a requirement for a loyalty oath?

(The witness conferred with his counsel.)

Mr. BOLTON. Some time after I had moved into the housing project, a rider on some kind of housing appropriation bill in Congress, called the Quinn amendment, was established, requiring people to sign loyalty

oaths. Subsequently, that amendment was ruled unconstitutional by the Supreme Court.

Mr. ARENS. Did you, after that oath was inaugurated as a prerequisite to obtaining residence in this housing project, join with others in a concerted drive to cause the housing loyalty oath to be suspended?

(The witness conferred with his counsel.)

Mr. BOLTON. This, again, is a question in the area of beliefs and associations, and I will not answer based upon the Watkins decision, the first and fifth amendments.

Mr. ARENS. I should like to display to you now a photostatic reproduction of a bulletin issued by a group of people protesting the housing loyalty oath, in which it concludes that any individual who reads this if he wants more information, if he wants to join in the fight, is supposed to call MA-7039, GR-0388, or MO-0920.

Curiously enough, we checked in the telephone directory and found that that one number was your number, which is listed for Arthur Bolton, at that time 16 Verdi Walk.

Kindly look at this document and see if that might refresh your memory with reference to your participation in that enterprise to cause the suspension of the loyalty oath.

(Document handed to witness.)

(The witness conferred with his counsel.)

Mr. BOLTON. I decline to recognize or authenticate this document.

Mr. ARENS. I put it to you as a fact, sir, and ask you to affirm or deny the fact, that you were one of the leading lights in this area, and a Communist at the time, for the purpose of causing the loyalty oath to be nullified.

If that isn't true, please deny it while you are under oath.

(The witness conferred with his counsel.)

Mr. BOLTON. Would you repeat that question?

Mr. ARENS. Read the question, Mr. Reporter.

(Question read.)

(The witness conferred with his counsel.)

Mr. BOLTON. That appears to be a multiple-barreled question, and I decline to answer it again on the grounds of the Watkins decision, the first and fifth amendments.

(Document marked "Arthur Bolton Exhibit No. 2" and retained in committee files.)

Mr. ARENS. Sir, have you been an adviser or consultant for leader or training courses at Camp Lakeland—leadership courses?

Mr. BOLTON. For whom?

Mr. ARENS. For leaders of—well, I will read this article and see if you can help us on this. It is an article in the press of 1957:

Jewish high school youths from 15 New York State cities will meet next Friday at Camp Lakeland for a 3-day leadership training institute.

In the course of the article, the following appears:

Adult advisers for the institute will be Arthur Bolton, director of youth activities at the Jewish Center of Buffalo, and Morris Siegel—and others.

Kindly look at that article and see if that refreshes your recollection with reference to your participation in that camp program.

(Document handed to witness, who conferred with his counsel.)

Mr. BOLTON. Certainly that is me and the answer is "Yes." It was part of my job.

(Document marked "Arthur Bolton Exhibit No. 3" and retained in committee files.)

Mr. ARENS. Were you a Communist at the time you were participating in this youth-training program, in which youths were brought in from 15 New York State cities this year for leadership training? (The witness conferred with his counsel.)

Mr. BOLTON. I have not admitted that I am a Communist, and I decline to answer that question on the grounds of the Watkins decision, the first and fifth amendments.

Mr. ARENS. Will you deny, while you are under oath, that you are now a member of the Communist Party?

Mr. BOLTON. That question is in the area of beliefs and associations, and I will not answer, basing myself on the Watkins decision, the first amendment, and the fifth amendment.

Mr. ARENS. How many youth did you help train in leadership that came from these 15 New York State cities this year to Camp Lakeland for this 3-day leadership training course?

Mr. BOLTON. There were some 25 youth and some 5 adult staff members of various Jewish centers throughout the State, discussing the role of Jewish youth in America today, and this was part of my job, to organize this conference.

Mr. ARENS. This establishment at which you are presently employed is under the auspices of the Hebrew Church, is it?

Mr. BOLTON. No, sir; it is not. It is not a religious institution. It is a community institution.

Mr. ARENS. Well, is it at least ostensibly operable to people of faith, faith in God?

Mr. BOLTON. The Jewish center is open to anyone regardless of their race, color, creed, personal beliefs. It is a community agency. It is not a religious institution.

Mr. ARENS. Do you know Mr. Joseph M. Gawronski?

(The witness conferred with his counsel.)

Mr. BOLTON. That name is familiar. He was a fellow student with me at the School of Social Work.

Mr. ARENS. Have you been engaged in concert with him in any activity in the course of the last year or so?

Mr. BOLTON. Mr. Gawronski has been in veterans' hospital suffering with tuberculosis for a period of some years now.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that concludes the staff interrogation of this witness.

Mr. WILLIS. The witness is excused.

Mr. ARENS. The next witness, Mr. Chairman, will be Hattie Lumpkin—Miss or Mrs. Hattie Lumpkin.

Mr. WILLIS. Please raise your right hand. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. LUMPKIN. I do.

TESTIMONY OF HATTIE LUMPKIN, ACCOMPANIED BY COUNSEL, JULES H. GORDON

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. GORDON. My client has requested that no photographs be taken while she is testifying.

Mr. WILLIS. That will be respected, sir.

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mrs. LUMPKIN. My name is Hattie Lumpkin. I live in Buffalo, N. Y., and I am a housewife.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. LUMPKIN. Yes, sir; that is right.

Mr. ARENS. You are represented by counsel?

Mrs. LUMPKIN. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. GORDON. Jules Gordon, Buffalo, N. Y.

Mr. ARENS. How long have you lived in this community, Mrs. Lumpkin?

Mrs. LUMPKIN. Fifteen years. I hope you can hear me.

Mr. ARENS. Where did you live prior to the time you came here?

Mrs. LUMPKIN. In Orlando, Fla.

Mr. ARENS. How long did you live in Orlando, Fla.?

Mrs. LUMPKIN. Well, I don't know exactly, but I lived there from 1924 to 1941.

Mr. ARENS. Have you worked in the Buffalo area?

Mrs. LUMPKIN. No; I wouldn't say I worked. I didn't have a job. I had social security—I didn't ever have a job in Buffalo.

Mr. ARENS. What organizations have you belonged to since you came to Buffalo?

Mrs. LUMPKIN. Well, in the United States under the United States Constitution and its Bill of Rights, I think I will use the first and fifth amendments, and respectfully decline to answer that question.

Mr. ARENS. Why?

Mrs. LUMPKIN. Well, on the grounds of being discriminated—
(The witness conferred with her counsel.)

Mrs. LUMPKIN. Under all of the provisions of the fifth amendment, I decline to answer that.

Mr. ARENS. Have you been on the joint NAACP council committee?

Mrs. LUMPKIN. Under the first and fifth amendments I again decline to answer that.

Mr. ARENS. Mr. Williams is going to display to you here a clipping with respect to a certain celebration which was held in this community a couple of years ago. According to this clipping, Mrs. Hattie Lumpkin is a member of a joint NAACP council committee in this community, along with others, working on the celebration or program.

Kindly look at that article and tell us if that might refresh your recollection with reference to your membership or participation in this organization.

(Document handed to witness, who conferred with her counsel.)

Mr. ARENS. Could you help us on that, please?

(The witness conferred with her counsel.)

Mrs. LUMPKIN. Well, I think I remember this.

(Document marked "Lumpkin Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Were you a Communist at the time you served on that joint NAACP council committee?

Mrs. LUMPKIN. Under the first and fifth amendment, I decline to answer.

Mr. ARENS. What is your street address, please?

Mrs. LUMPKIN. 263 Watson Street.

Mr. ARENS. Give that again, please. I didn't hear you.

Mrs. LUMPKIN. 263 Watson Street.

Mr. ARENS. 263?

Mrs. LUMPKIN. That is right.

Mr. ARENS. Have you been chairman of the Ellicott District of the Communist Party?

Mrs. LUMPKIN. I decline under the first and fifth amendments to answer that question.

Mr. ARENS. Three men have taken an oath before this committee in the course of the last 2 or 3 days, Mr. Chatley, Mr. Regan, and Mr. Kinsey, and they have all said while they were under oath that they knew you as a Communist.

Were they mistaken about that, or were they telling the truth?

Mrs. LUMPKIN. Under the United States Constitution and its Bill of Rights, I decline to answer that under the fifth and the first amendments.

Mr. ARENS. We would like to display to you another document. It is the Communist Daily Worker of New York, Tuesday, August 2, 1949. It tells about Mrs. Hattie Lumpkin, chairman of the Communist Party in the Ellicott District. Look at this article, if you please, as Mr. Williams displays it to you, and tell us whether or not that refreshes your recollection with reference to your status as of that date as chairman of the Ellicott District of the Communist Party.

(Document handed to witness, who conferred with her counsel.)

Mrs. LUMPKIN. Under the first and fifth amendments, I decline to answer.

(Document marked "Lumpkin Exhibit No. 2" and retained in committee files.)

Mr. ARENS. Are you now a Communist, a member of the Communist Party?

Mrs. LUMPKIN. The same thing. Under the first and fifth amendments I decline to answer that.

Mr. ARENS. In the course of the testimony we have had in the last few days, Mrs. Lumpkin, witnesses have told us about the Communists in this area being under orders to go into non-Communist organizations and groups. Can you tell us to what groups you belong which are not Communist groups?

(The witness conferred with her counsel.)

Mrs. LUMPKIN. Well, we do have on my street, 263 Watson Street, extending from—

Mr. WILLIS. I can't hear you.

Mrs. LUMPKIN. I do have on my street, Watson Street, extending from Peckham Street, a little group of women who meet together to raise funds to buy flowers to anyone that dies in that block.

Mr. ARENS. Is there any other group that you belong to?

Mrs. LUMPKIN. None other than the church.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that concludes the staff interrogation of this witness.

Mr. WILLIS. The witness is excused.

Mr. ARENS. The next witness, if you please, will be Mrs. Beverly Levine.

Mr. WILLIS. Please raise your right hand. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. LEVINE. I do.

TESTIMONY OF BEVERLY LEVINE (MRS. ISRAEL LEVINE), ACCOMPANIED BY COUNSEL, HAROLD P. FAHRINGER, JR.

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mrs. LEVINE. I am Mrs. Beverly Levine. I reside at 622 East Ferry Street, Buffalo, and I am a housewife.

Mr. ARENS. You are appearing today, Mrs. Levine, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. LEVINE. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Mrs. LEVINE. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. FAHRINGER. Harold P. Fahringer, Jr., 195 Linwood Avenue. The witness, with your permission, Mr. Chairman, requests that no pictures be taken during the interrogation.

Mr. WILLIS. That will be respected.

Mr. ARENS. How long have you lived in this community, Mrs. Levine?

(The witness conferred with her counsel.)

Mrs. LEVINE. Sir, I have sat through the past 3 days of hearings in this room, and to my observation I have noticed that questions pertaining to residence, employment, and education have been connected together to then lead into questions of beliefs and associations. For this reason, on the first amendment and the fifth amendment, I decline to answer questions of this nature.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness now be ordered and directed on this record to answer the question as to how long she has lived in this community.

Mr. WILLIS. You are ordered to answer that question.

(The witness conferred with her counsel.)

Mrs. LEVINE. I decline to answer on the first and fifth amendments of the Constitution.

Mr. ARENS. Where were you born?

Mrs. LEVINE. I was born in New York City.

Mr. ARENS. How long did you live in New York City?

(The witness conferred with her counsel.)

Mrs. LEVINE. I lived in New York City for most of my adult life.

Mr. ARENS. When did you leave New York City to take up residence elsewhere?

Mrs. LEVINE. Three years ago.

Mr. ARENS. Where did you move from New York City?

Mrs. LEVINE. We moved to Buffalo.

Mr. ARENS. Have you lived in Buffalo continuously ever since?
(The witness conferred with her counsel.)

Mrs. LEVINE. Yes, sir.

Mr. ARENS. Where were you educated?
(The witness conferred with her counsel.)

Mrs. LEVINE. Sir, I have already declined to go into educational background.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness now be ordered and directed to answer the question as to where she was educated.

Mrs. LEVINE. I decline to answer based on the first and fifth amendments of the Constitution.

Mr. WILLIS. I direct you to answer the question.

Mrs. LEVINE. I have just answered, sir.

Mr. ARENS. Since you moved to Buffalo, have you been active in the YWCA programs here?

Mrs. LEVINE. I decline to answer that question since it goes in to my associations and under the first and fifth amendments.

Mr. ARENS. We would like to display to you a photostatic copy of a newspaper clipping about a Yule bazaar held here in this community for the 1957 program of the YWCA. Among others who are chairmen of groups or in official officer status, I see Mrs. Arthur Bolton and Mrs. Israel Levine, treasurer.

Kindly look at that document and tell us whether or not that refreshes your recollection with reference to your participation in this function under the auspices of this great organization, the YWCA.

(Document handed to the witness, who conferred with her counsel.)

Mrs. LEVINE. Since I have already declined to answer on the basis of my own principle and conviction about associations, I decline to recognize or identify this document.

Mr. ARENS. Upon what basis, ma'am?

Mrs. LEVINE. On the basis of the first and fifth amendments in the Constitution of the United States.

Mr. SCHERER. Pardon just a minute. You can hardly invoke the fifth amendment in refusing to answer a question about a YWCA activity. Isn't that stretching it a little far?

Mr. ARENS. Unless, Mr. Scherer, the activity in the YWCA was an activity directed by the Communist conspiracy.

Let us get this record clear at this point. Do you honestly apprehend if you told this committee while you were under oath whether or not you participated in a leadership capacity in the YWCA in this community you would be giving information which might be used against you in a criminal proceeding?

We insist upon an answer to that question on this record.

(The witness conferred with her counsel.)

Mrs. LEVINE. Sir, I think the record of the Y stands in the community for itself, and it is just my personal principle and convictions on these things which have led me to decline to answer these questions. After having seen the committee operate, it is reasonable that I might be subject to an unjustified prosecution if I were to answer. So I decline to answer on the whole of the fifth amendment.

(Document marked "Beverly Levine Exhibit No. 1," and retained in committee files.)

Mr. ARENS. If you were prosecuted under those provisions of the Smith Act which make it a crime to be or remain a member of an organization dedicated to the overthrow of the Government of the United States by force and violence, would that be an unjust prosecution?

(The witness conferred with her counsel.)

Mrs. LEVINE. Sir, I feel I may be subject to a prosecution, but I cannot tell at this time whether it would be justified or unjustified.

Mr. ARENS. Are you this minute a member of the Communist Party?

Mrs. LEVINE. I decline to answer, sir, on the previous principal grounds that I have given, of the first and fifth amendments.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. WILLIS. The witness is excused.

Mr. ARENS. The next witness will be Mrs. Ruth Bolton.

Mr. WILLIS. Do you solemnly swear the testimony you are about to give before this committee will be truth, the whole truth, and nothing but the truth, so help you God?

Mrs. BOLTON. I do.

**TESTIMONY OF RUTH (I.) BOLTON (MRS. ARTHUR BOLTON),
ACCOMPANIED BY COUNSEL, DAVID KOCHERY**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mrs. BOLTON. My name is Ruth Bolton. I live at 29 Irving Place, and I am a housewife.

Mrs. ARENS. Mrs. Bolton, do you know the person who just preceded you to the witness stand, Mrs. Israel Levine?

(The witness conferred with her counsel.)

Mrs. BOLTON. Yes; I do.

Mr. ARENS. What has been the nature of your acquaintanceship with her?

Mrs. BOLTON. I have known her in the YWCA.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. BOLTON. That is right.

Mr. ARENS. And you are represented by counsel?

Mrs. BOLTON. Yes; I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. KOCHERY. David Kochery, Buffalo, N. Y.

Mr. ARENS. Mrs. Bolton, are you a member of the Communist Party?

(The witness conferred with her counsel.)

Mrs. BOLTON. On the basis of my personal beliefs and associations I would decline to answer that, on the Watkins decision, the first and fifth amendments.

Mr. ARENS. Tell us about this connection that you and Mrs. Levine have in the YWCA. You said a moment ago that you were connected with her in the YWCA.

(The witness conferred with her counsel.)

Mrs. BOLTON. Would you please make the question more specific?

Mr. ARENS. Yes. What is the nature of your work with Mrs. Levine in the YWCA?

You told us a few moments ago that you knew her, as I recollect the record, in YWCA circles, or something to that effect.

(The witness conferred with her counsel.)

Mrs. BOLTON. I said that I met Mrs. Levine at the YWCA. I do not work with her. I work at the YWCA as a volunteer.

Mr. ARENS. Did you work with Mrs. Levine in the Yule bazaar in 1956?

Mrs. BOLTON. It is very possible. I don't remember.

Mr. ARENS. Were you the publicity chairman for the Yule bazaar for the YWCA?

Mrs. BOLTON. That also I don't remember. It is possible.

Mr. ARENS. We would like to display to you the copy of the Buffalo Courier-Express of Tuesday, November 27, 1956, in which the article describes you as publicity chairman and Mrs. Israel Levine as treasurer of this function of the YWCA.

See if that refreshes your recollection, if you please.

(The document was handed to the witness, who conferred with her counsel.)

Mrs. BOLTON. I do recognize that as an article from the Courier, and my name is mentioned there.

(Document marked "Ruth Bolton Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Is it an accurate description or characterization?

Mrs. BOLTON. That I was publicity chairman?

Mr. ARENS. Yes.

Mrs. BOLTON. I imagine it is; yes.

Mr. ARENS. Were you also program chairman in March of this year?

Mrs. BOLTON. March of 1957?

Mr. ARENS. Yes.

(The witness conferred with her counsel.)

Mrs. BOLTON. No; I was not.

Mr. ARENS. I would like to display to you a clipping from the local press about a function of the YWCA. Apparently it was a debate.

Mrs. BOLTON. When did the debate take place?

Mr. ARENS. It was in March of 1957. I am going to show you this in just a moment. The concluding paragraph reads as follows:

"The judging was done by" certain people, all associated with the YWCA. "Mrs. Arthur Bolton was program chairman."

Kindly look at that and see if that refreshes your recollection.

(Document handed to the witness, who conferred with her counsel.)

Mr. SCHERER. Was Mrs. Israel Levine on this same program with her in the YWCA?

Mr. ARENS. She was on the preceding program that we alluded to. It was in 1956. I don't see Mrs. Levine's name on this particular program. She may have been.

(The witness conferred with her counsel.)

Mr. ARENS. Could you help us on this, please?

Mrs. BOLTON. Would you ask the question again, please?

Mr. ARENS. Yes. Does this article which you now hold in your hand refresh your recollection as to your program chairmanship in that particular function of the YWCA?

Mrs. BOLTON. On that particular evening, I recall that I was program chairman for the one evening.

(Document marked "Ruth Bolton Exhibit No. 2" and retained in committee files.)

Mr. ARENS. We have had testimony on this record in the course of the last few days that a new strategy or tactic of the Communist Party in this community, at least, is to send comrades into non-Communist civic organizations—what we call legitimate organizations—for the purpose of performing the party's will. Was your admission into the circles of the YWCA instigated, suggested, or directed to you by any person known by you to be a Communist?

(The witness conferred with her counsel.)

Mrs. BOLTON. My volunteer service with the YWCA was not suggested to me by anyone.

Mr. SCHERER. Let me ask a question.

You are the wife of Arthur Bolton, who just testified here this morning, and who was director of the Jewish Community Center?

Mrs. BOLTON. I am his wife, but he is not director of the Jewish Center.

Mr. SCHERER. What position does he occupy?

(The witness conferred with her counsel.)

Mr. SCHERER. I am speaking of his position with the Jewish Community Center.

(The witness conferred with her counsel.)

Mrs. BOLTON. My husband already testified to that. I believe he is the director of teen-age and youth activities.

Mr. SCHERER. I said director of the Jewish Center. He is director of teen-age activities. He is a director, though, at the Jewish Youth Center.

(The witness conferred with her counsel.)

Mrs. BOLTON. He is one of many directors of activities, yes.

Mr. SCHERER. Did he suggest to you that you should go into the YWCA work?

(The witness conferred with her counsel.)

Mrs. BOLTON. I would refuse to answer that on the grounds of a husband-and-wife privilege.

Mr. SCHERER. I ask that you direct the witness to answer that question. It is not a confidential communication.

(The witness conferred with her counsel.)

Mr. SCHERER. All right. I will withdraw it.

Mrs. BOLTON. Does this direction—

Mr. WILLIS. That is all.

Mr. ARENS. We have one further question, Mr. Chairman, just so the record is clear.

Are you now, this minute, a member of the Communist Party?

(The witness conferred with her counsel.)

Mrs. BOLTON. That question goes into my personal beliefs and associations, and I decline to answer that on the grounds of the Watkins decision, the first amendment, and the fifth amendment.

Mr. ARENS. Mr. Regan took an oath before this committee a day or so ago, and while he was under oath—if he lied to this committee he will be prosecuted for perjury—he said that while he was in the Communist Party, in the top echelons of the Communist Party in this community, he knew you for a certainty to be a Communist.

Did he perjure himself or did he tell the truth, when he identified you as a Communist?

(The witness conferred with her counsel.)

Mrs. BOLTON. I did not hear Mr. Regan's testimony, and I also decline to answer that on the grounds of the Watkins decision, the first amendment, and the fifth amendment.

Mr. ARENS. You are not suggesting to this committee today that had you heard his testimony you might have taken issue with him; are you?

(The witness conferred with her counsel.)

Mrs. BOLTON. I am merely saying that I did not hear his testimony.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the staff interrogation of this witness.

Mr. WILLIS. Mr. Scherer has some questions.

Mr. SCHERER. In what other volunteer activities were you engaged, Mrs. Bolton, other than with the YWCA?

(The witness conferred with her counsel.)

Mrs. BOLTON. Do you mean social and charitable activity?

Mr. SCHERER. Yes.

Mrs. BOLTON. Pardon?

Mr. SCHERER. Yes.

(The witness conferred with her counsel.)

Mrs. BOLTON. The only other one I can recall is the Parent-Teacher Association.

Mr. SCHERER. To what other organizations do you belong?

(The witness conferred with her counsel.)

Mrs. BOLTON. I do not recall any other organization.

Mr. SCHERER. Are you an officer in the PTA?

Mrs. BOLTON. No.

Mr. SCHERER. Have you been?

Mrs. BOLTON. No.

Mr. SCHERER. I have no further questions.

Mr. WILLIS. The witness is excused.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Mrs. Frances Clune. Please come forward.

Mr. WILLIS. Please raise your right hand. You do solemnly swear that the testimony you are to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. CLUNE. I do.

**TESTIMONY OF FRANCES (L.) CLUNE, ACCOMPANIED BY COUNSEL,
JULES H. GORDON**

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mrs. CLUNE. I am Frances Clune.

Mr. ARENS. Could you raise your voice so we can hear you?

Mrs. CLUNE. I am Mrs. Frances Clune. I live in Buffalo.

Mr. ARENS. And your address, please?

Mrs. CLUNE. Stratford Road.

Mr. ARENS. What is the street address, please?

Mrs. CLUNE. 156.

Mr. ARENS. Stratford Road?

Mrs. CLUNE. Stratford Road.

Mr. ARENS. And your occupation, please?

Mrs. CLUNE. I work in a department store.

Mr. ARENS. Where?

Mrs. CLUNE. On Main Street.

Mr. ARENS. What is the name of the department store, if you please?

Mrs. CLUNE. J. N. Adam & Co.

Mr. ARENS. Here in Buffalo?

Mrs. CLUNE. Here in Buffalo.

Mr. ARENS. You are appearing today, Mrs. Clune, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. CLUNE. Yes.

Mr. ARENS. And you are represented by counsel?

Mrs. CLUNE. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. GORDON. Jules Gordon, Buffalo, N. Y.

Mr. ARENS. How long have you lived in this community, Mrs. Clune?

Mrs. CLUNE. Since 1940.

Mr. ARENS. And from whence did you come to this community? (The witness conferred with her counsel.)

Mrs. CLUNE. From New York City.

Mr. ARENS. And how long did you live in New York City?

Mrs. CLUNE. I am not just exactly sure. Three to four years, I believe.

Mr. ARENS. And where did you live prior to the time that you lived in New York City?

Mrs. CLUNE. In my hometown.

Mr. ARENS. And where is that?

Mrs. CLUNE. Hampton, N. H.

Mr. ARENS. Give us just a word, please, of your education.

Mrs. CLUNE. I am a grammar-school and high-school graduate.

Mr. ARENS. Give us just a word of the principal employments which you have had since you reached adulthood?

Mrs. CLUNE. If I can remember them.

Mr. ARENS. I beg your pardon?

Mrs. CLUNE. If I can remember all of them.

Mr. ARENS. May I just suggest 1 or 2 to you and see if you have a recollection?

Mrs. CLUNE. Woolworth's.

Mr. ARENS. Were you employed at Dartmouth College library?

Mrs. CLUNE. Yes.

Mr. ARENS. When was that?

Mrs. CLUNE. Well, this was previous to my going to New York City.

Mr. ARENS. What was the year? Do you recall? Was it the middle 1930's?

Mrs. CLUNE. I would say "Yes." I don't remember exact dates now.

Mr. ARENS. How long were you employed at the Dartmouth College library?

Mrs. CLUNE. Six and a half, I believe, to seven years.

Mr. ARENS. And in what capacity?

Mrs. CLUNE. I don't know just what you would call it.

Mr. ARENS. What did you do in the library?

Mrs. CLUNE. I marked the numbers on the books, the stenciling of the numbers on the books.

Mr. ARENS. Did you have any difficulty at the Dartmouth College with the administration officials, the officials of the administration of the university or the college?

(The witness conferred with her counsel.)

Mrs. CLUNE. As far as I can recall in all the period I was with the library I had no difficulty, and I did receive—I don't believe I have it any longer in my possession—a letter of recommendation.

Mr. ARENS. Did you participate in the organization of any groups at the university or at Dartmouth College?

(The witness conferred with her counsel.)

Mr. ARENS. I should put the question this way: Did you participate in any attempts of organization of any groups at Dartmouth?

Mrs. CLUNE. I decline to answer this question under the first and fifth amendments of the Constitution of the United States.

Mr. ARENS. Do you honestly feel that if you told this committee whether or not you participated in organizing any groups at Dartmouth, you might be supplying information that might be used against you in a criminal proceeding?

Mrs. CLUNE. I decline to answer, sir, for the reasons stated.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that while you were at Dartmouth College, you were participating in an attempted organization, whether successful or not we do not know, of a Communist Party unit at Dartmouth College.

If that isn't so, please deny it while you are under oath.

Mrs. CLUNE. I refuse to answer this question, sir, on the basis of the first and fifth amendment of the Constitution of the United States.

Mr. ARENS. Now can you tell us, since you moved to the Buffalo area, any groups or organizations to which you have belonged?

(The witness conferred with her counsel.)

Mrs. CLUNE. I decline to answer this question, sir, on the basis of the first and fifth amendments of the Constitution.

Mr. ARENS. Have you belonged to any groups in the Buffalo area of what we will now call the non-Communist, legitimate organizations?

Mrs. CLUNE. I decline to answer this question, sir, on the basis of the first and fifth amendments.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. WILLIS. Yes. I direct you to answer that question.

(The witness conferred with her counsel.)

Mrs. CLUNE. Would you repeat the question again, please, sir?

Mr. ARENS. Please tell us the names of any non-Communist, legitimate organizations with which you have been allied or of which you have been a member since you have moved to the Buffalo area.

(The witness conferred with her counsel.)

Mrs. CLUNE. Sir, to the best of my recollection I have not belonged to any such groups.

Mr. ARENS. Thank you.

Now tell us any other groups that you belong to.

(The witness conferred with her counsel.)

Mrs. CLUNE. I decline to answer this question, sir, on the basis of the first and fifth amendments.

Mr. ARENS. In the course of the last 3 days, 3 men have taken each an oath before this committee, and subjected themselves to possible pains and penalties of perjury. Each of those men, while he was under oath, said that while he was a member of the Communist apparatus, the Communist Party in the greater Buffalo area, he knew you to be an active member of the Communist Party, in fact, a leader of the Communist operation here in Buffalo. Were they correct in their testimony?

(The witness conferred with her counsel.)

Mrs. CLUNE. I decline to answer this question, sir, on the basis of the first and fifth amendments.

Mr. ARENS. Raise your voice, please.

Mrs. CLUNE. I decline to answer this question, sir, on the basis of the first and fifth amendments.

Mr. ARENS. There is sworn testimony on this record likewise that your home here in Buffalo—and I am now going to characterize the testimony rather than repeat it—that your home here has been a kind of assembly center for Communist Party literature, much of which has been sent in from New York City, and disseminated from your home. Is that testimony true or is that testimony false?

(The witness conferred with her counsel.)

Mrs. CLUNE. I decline to answer this question, sir, on the basis of the first and fifth amendments.

Mr. ARENS. Are you now, this minute, a member of the Communist Party?

Mrs. CLUNE. I decline to answer this question, sir, on the basis of the first and fifth amendments of the Constitution of the United States.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that concludes the staff interrogation of this witness.

Mr. WILLIS. The witness is excused.

Mr. ARENS. The next witness, Mr. Chairman, will be Mrs. Sylvia Tobin. Kindly come forward and be sworn, Mrs. Tobin.

Mr. WILLIS. Do you solemnly swear the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. TOBIN. I do.

TESTIMONY OF SYLVIA TOBIN, ACCOMPANIED BY COUNSEL, SAUL TOUSTER

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mrs. TOBIN. Sylvia Tobin, 633 Niagara Falls Boulevard. I am primarily a housewife. I do part-time work as a social worker.

Mr. ARENS. Would you raise your voice, please?

Mrs. TOBIN. I am sorry. I do part-time work as a social worker. I am primarily a housewife.

Mr. ARENS. Did you give us your address?

Mrs. TOBIN. Yes; I did.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. TOBIN. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Mrs. TOBIN. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. TOUSTER. Saul Touster, Buffalo, N. Y.

Mr. ARENS. Where do you do this part-time social work, please, Mrs. Tobin?

Mrs. TOBIN. At the Jewish Community Service Center Society.

Mr. ARENS. How long have you been employed there?

Mrs. TOBIN. About 8 months.

Mr. ARENS. Is that the same organization at which Mr. Bolton works?

Mrs. TOBIN. No, sir.

Mr. ARENS. This is another organization?

Mrs. TOBIN. That is right; this is a family service organization.

Mr. ARENS. How long have you worked there?

Mrs. TOBIN. I repeat that. About 8 months.

Mr. ARENS. What do you do there?

Mrs. TOBIN. I counsel people who have difficulties in family adjustments.

Mr. ARENS. Are you paid for that work?

Mrs. TOBIN. Yes; I am.

Mr. ARENS. Are you active also in any other organizations here?

(The witness conferred with her counsel.)

Mr. ARENS. Let us put it this way: Are you active in any other legitimate organizations, non-Communist organizations?

(The witness conferred with her counsel.)

Mrs. TOBIN. Without characterizing the organizations, I am a member of the NAACP. I have a paper membership in the PTA. We hold a family membership in the Jewish center, and the other organizations are related to our religious affiliations.

(The witness conferred with her counsel.)

Mrs. TOBIN. Oh, yes. I have a paper membership in the Camp Lakeland Association.

Mr. ARENS. I didn't hear you.

Mrs. TOBIN. A paper membership. I pay \$2.50 a year to be a member of the Camp Lakeland Association.

Mr. ARENS. Is that the association where this young chap, Bolton, taught?

Mrs. TOBIN. I don't know if he ever taught in that.

Mr. ARENS. In which he was an adviser?

Mrs. TOBIN. It is the camp for young children in this area.

Mr. ARENS. Is that the one where he was the adviser a few months ago?

(The witness conferred with her counsel.)

Mrs. TOBIN. I don't know if he was associated with it.

Mr. ARENS. Do you know him?

Mrs. TOBIN. I met him in the hall for the first time.

Mr. ARENS. Do you also belong to the Young Women's Hebrew Association?

Mrs. TOBIN. No, sir; we don't have one here.

(The witness conferred with her counsel.)

Mr. ARENS. What has been the nature of your connection with the NAACP?

Mrs. TOBIN. I have been a member for some years. I have been a member of the board of the NAACP.

Mr. ARENS. How long have you been a member of the board of that organization?

Mrs. TOBIN. I think approximately about 5 years.

(The witness conferred with her counsel.)

Mr. ARENS. How long have you lived in this community?

Mrs. TOBIN. Since my marriage, 15 years ago.

Mr. ARENS. Where did you live prior to that time?

Mrs. TOBIN. New York City.

Mr. ARENS. How long did you live in New York City?

Mrs. TOBIN. All my life.

Mr. ARENS. Give us, if you please, a word about your education.

Mrs. TOBIN. I graduated from Hunter College and I did graduate work in social work at the New York School, in New York City.

Mr. ARENS. Mrs. Tobin, a day or so ago a man took an oath before this committee and told about his career in the Communist Party, and he said that while he was a member of the Communist Party, he knew you, to a certainty, to be a Communist, a member of the Communist Party. We want to give you now an opportunity to deny that allegation, if you care to avail yourself of that opportunity.

(The witness conferred with her counsel.)

Mrs. TOBIN. I am not now a member of the Communist Party.

Mr. ARENS. Were you a member of the Communist Party at any time in the course of the last year?

Mrs. TOBIN. No; I was not.

Mr. ARENS. Were you a member of the Communist Party at any time in the course of the last 5 years?

(The witness conferred with her counsel.)

Mrs. TOBIN. I decline to answer that on the grounds of the first and fifth amendments.

Mr. ARENS. Have you been a member of the Communist Party at any time in the course of the last 2 years?

Mrs. TOBIN. I decline to answer that on the grounds of the first and fifth amendments.

Mr. ARENS. Have you been a member of the Communist Party at any time in the course of the last 18 months?

(The witness conferred with her counsel.)

Mrs. TOBIN. I decline to answer that on the grounds of the first and fifth amendments.

Mr. ARENS. Have you been a member of the Communist Party at any time in the course of the last 14 months?

(The witness conferred with her counsel.)

Mrs. TOBIN. I decline to answer that on the grounds of the first and fifth amendments.

Mr. ARENS. Have you been a member of the Communist Party at any time in the course of the last 13 months?

Mrs. TOBIN. I decline to answer that on the grounds of the first and fifth amendments.

Mr. ARENS. Have you resigned from the Communist Party?

Mrs. TOBIN. I have not testified that I have been a member of the Communist Party.

Mr. ARENS. Will you deny that you have been a member of the Communist Party as testified to under oath by Mr. Regan?

(The witness conferred with her counsel.)

Mrs. TOBIN. I decline to to answer that on the grounds of the first and fifth amendments.

Mr. ARENS. Are you completely, irrevocably, finally, out of the Communist Party?

(The witness conferred with her counsel.)

Mrs. TOBIN. I haven't testified that I have been a member of the Communist Party. I have testified that I am not now a member of the Communist Party, and I am not subject to any Communist affiliation.

Mr. ARENS. Would you kindly answer the question?

Are you completely, irrevocably, disassociated from the Communist Party?

(The witness conferred with her counsel.)

Mrs. TOBIN. I am not now a member of the Communist Party, and I am unalterably opposed to its principles.

Mr. ARENS. How long have you entertained this unalterable opposition to the tenets or the principles of the Communist Party?

(The witness conferred with her counsel.)

Mr. WILLIS. I think that covers the area that she was questioned about previously.

(The witness conferred with her counsel.)

Mrs. TOBIN. During the time that I previously testified I am not a member of the Communist Party.

Mr. SCHERER. I think the witness has made her position clear.

Mr. ARENS. Why are you now opposed to the Communist Party?

(The witness conferred with her counsel.)

Mrs. TOBIN. I am opposed, but I think this question enters into the areas of my beliefs, and I don't want to discuss them under my rights under the first and fifth amendments.

(The witness conferred with her counsel.)

Mrs. TOBIN. I am sorry. I think that is only the first amendment that is in issue here.

Mr. ARENS. Do you presently have information respecting the operation of the Communist conspiracy in this community as current as a year and a half ago?

(The witness conferred with her counsel.)

Mrs. TOBIN. I decline to answer that on the grounds of the first and fifth amendments.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the staff interrogation of this witness.

Mr. WILLIS. The witness is excused.

Mr. ARENS. May I inquire if the attorney is here for Mrs. Betty Thorner?

The attorney asked us yesterday if we would schedule her appearance after 11:30, but my thought is if he and she are present here, as of now, we could proceed with her. Apparently they have not arrived yet. Then may we hear, please, Mr. Chairman, Milton Rogovin.

Mr. WILLIS. Please raise your right hand. Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROGOVIN. I do, sir.

**TESTIMONY OF MILTON ROGOVIN, ACCOMPANIED BY COUNSEL,
SAUL TOUSTER**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. ROGOVIN. Milton Rogovin, 90 Chatham, and I am——

Mr. ARENS. I have difficulty hearing you.

Mr. ROGOVIN. My name is Milton Rogovin, 90 Chatham. I am an optometrist.

Mr. ARENS. You are appearing today, Mr. Rogovin, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. ROGOVIN. Yes, sir.

Mr. ARENS. You are represented by counsel?

Mr. ROGOVIN. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. TOUSTER. Saul Touster, Buffalo.

Mr. ARENS. Where and when were you born?

Mr. ROGOVIN. New York City.

Mr. TOUSTER. May we request no pictures?

Mr. WILLIS. Yes.

Mr. ARENS. Where and when were you born?

Mr. ROGOVIN. New York City, December 30, 1909.

Mr. ARENS. Where were you educated?

Mr. ROGOVIN. New York City.

Mr. ARENS. And a word about your education.

Mr. ROGOVIN. I attended a school of optometry in New York and graduated in 1931.

Mr. ARENS. How long have you been in the Buffalo community?

Mr. ROGOVIN. Since 1938.

Mr. ARENS. Have you been engaged as an optometrist ever since?

Mr. ROGOVIN. Outside of my being away in the Army, yes, sir.

Mr. ARENS. When did you serve in the Army?

Mr. ROGOVIN. From 1942 to 1945, approximately.

Mr. ARENS. Did you receive an honorable discharge?

Mr. ROGOVIN. I did, sir.

Mr. ARENS. Where did you serve?

Mr. ROGOVIN. Sixteen months overseas and the rest of the time in various training camps.

Mr. ARENS. Did you have a commission?

Mr. ROGOVIN. No, sir.

Mr. ARENS. Since you have arrived in the Buffalo community, have you taken any trips abroad, other than the trip in the service of your country, in the service of the Army?

(The witness conferred with his counsel.)

Mr. ARENS. By abroad, Witness, so there will be no misunderstanding, I mean have you been outside the United States.

1800 COMMUNIST ACTIVITIES IN THE BUFFALO, N. Y., AREA

Mr. TOUSTER. Counsel, we are very close to Canada here, and it is frequent that residents——

Mr. ARENS. We will exclude Canada.

Have you been to Mexico? We will be specific. Have you been to Mexico since you have arrived in the greater Buffalo area?

(The witness conferred with his counsel.)

Mr. ROGOVIN. I will decline to answer on the basis of the first and the fifth amendments.

Mr. ARENS. Why?

(The witness conferred with his counsel.)

Mr. ROGOVIN. I sincerely believe that I must invoke the first and the fifth amendments.

Mr. ARENS. Do you remember the time of the attempted assassination of former President Truman some few years ago in Washington? Do you remember that?

Mr. ROGOVIN. I don't recall, sir.

Mr. ARENS. When Puerto Ricans, Puerto Rican nationalists, attempted to assassinate President Truman.

(The witness conferred with his counsel.)

Mr. ROGOVIN. Yes. Now I recall it.

Mr. ARENS. Where were you at the time?

(The witness conferred with his counsel.)

Mr. ROGOVIN. I don't recall right away, sir.

Mr. ARENS. Were you out of the country at the time?

Mr. ROGOVIN. I don't recall.

Mr. ARENS. Were you in Mexico at or about that time?

(The witness conferred with his counsel.)

Mr. ROGOVIN. I will decline to answer on the basis of the first and fifth amendments.

Mr. ARENS. Have you ever been in conference with representatives of the Puerto Rican Communist organization in Mexico?

(The witness conferred with his counsel.)

Mr. ROGOVIN. I will decline to answer on the basis of the first and the fifth amendments.

Mr. ARENS. What organizations have you belonged to since you came to the Buffalo area? We will start with organizations, excluding any organization that is a Communist organization.

(The witness conferred with his counsel.)

Mr. ARENS. To what legitimate organizations have you belonged?

(The witness conferred with his counsel.)

Mr. ROGOVIN. From the testimony that has been given, I sincerely feel that I must invoke the first and the fifth amendments.

Mr. ARENS. What money do you handle in this community other than just your own personal money?

(The witness conferred with his counsel.)

Mr. ROGOVIN. I will decline to answer on the basis of the first and fifth amendments.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you are a principal conduit for the funds of the Communist operation in this community. If that isn't so, please deny it while you are under oath.

(The witness conferred with his counsel.)

Mr. ROGOVIN. I will decline on the basis of the first and the fifth amendments.

Mr. ARENS. Are you, this minute, a member of the Communist Party?

Mr. ROGOVIN. I will decline on the basis of the first and the fifth amendments.

Mr. ARENS. In the course of the last 2 or 3 days, Mr. Rogovin, a Mr. Regan, a Mr. Chatley, and a Mr. Kinsey, all took oaths and said that they knew you as a Communist. One of them said that you were at one time literature director of the Communist Party in this vicinity. Others told of other activities by yourself as a leading Communist of this community. It is a pretty serious charge to level against a man, that he is a member of an organization that has been repeatedly, by Government agencies, including the courts, found to be a part of an international apparatus of a foreign power on American soil, operating to destroy this country. We would like to give you, therefore, an opportunity, as any red-blooded American ought to have, to deny, while he is under oath, that he is part of that apparatus. We would like to give you that opportunity now.

Do you care to avail yourself of the opportunity to stand up here and deny while you are under oath that you are a member of the Communist apparatus in this community?

(The witness conferred with his counsel.)

Mr. ROGOVIN. I decline to answer on the basis of the first and the fifth amendments.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the staff interrogation of this witness.

Mr. WILLIS. One moment, please.

Mr. SCHERER. Witness, do you know Helen Mintz?

(The witness conferred with his counsel.)

Mr. ROGOVIN. I will decline to answer on the basis of the first and the fifth amendments.

Mr. SCHERER. She is a customer of yours; is she not?

(The witness conferred with his counsel.)

Mr. ROGOVIN. On the basis of the previous testimony given, I will decline to answer under the first and the fifth amendments.

Mr. SCHERER. She testified here yesterday under oath that she was a customer of yours for a long period of time. Was she telling the truth when she told us that she was a customer?

(The witness conferred with his counsel.)

Mr. ROGOVIN. I will decline to answer on the basis of the first and the fifth amendments.

Mr. SCHERER. Did you know her as a member of the Communist Party?

Mr. ROGOVIN. I will decline to answer this question on the basis of the first and the fifth amendments.

Mr. SCHERER. Have you ever been in her apartment in the Touraine Hotel?

(The witness conferred with his counsel.)

Mr. ROGOVIN. I will decline to answer on the basis of the first and the fifth amendments.

Mr. SCHERER. Witness, do you know Loyd Kinsey?

(The witness conferred with his counsel.)

Mr. ROGOVIN. I will decline to answer this question on the first and the fifth amendments.

Mr. SCHERER. Were these witnesses Mr. Arens mentioned, who have identified you as a leader of the Communist Party in this area, telling the truth?

(The witness conferred with his counsel.)

Mr. ROGOVIN. I will decline to answer on the first and the fifth amendments.

Mr. SCHERER. I have no further questions.

Mr. WILLIS. The witness is excused.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Nancy Hull Salmin.

Mr. WILLIS. Please raise your right hand. You do solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. SALMIN. I do.

**TESTIMONY OF NANCY HULL SALMIN (MRS. ALEXANDER SALMIN),
ACCOMPANIED BY COUNSEL, ROBERT B. FLEMING**

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mrs. SALMIN. My name is Nancy Salmin. I live in the city of Buffalo, and I am a housewife.

Mr. ARENS. You are appearing today, Mrs. Salmin, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. SALMIN. That is right.

Mr. ARENS. Your address is 93 LaFayette Avenue; is that correct?

Mrs. SALMIN. No; it is 22 Cottage.

Mr. ARENS. 22 Cottage?

Mrs. SALMIN. That is right.

Mr. ARENS. Buffalo?

Mrs. SALMIN. Right.

Mr. ARENS. You are represented by counsel?

Mrs. SALMIN. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. FLEMING. Robert B. Fleming, Buffalo.

Mr. ARENS. How long have you lived in the Buffalo community?

Mrs. SALMIN. Thirteen years.

Mr. ARENS. From whence did you come?

Mrs. SALMIN. Pennsylvania.

Mr. ARENS. Where in Pennsylvania?

Mrs. SALMIN. Du Bois, Pa.

Mr. ARENS. How long did you live there?

Mrs. SALMIN. About 5 years, I guess.

Mr. ARENS. Give us, if you please, just a word of your education.

Mrs. SALMIN. I am a high school graduate.

Mr. ARENS. Where did you live prior to the time you were in Pennsylvania?

Mrs. SALMIN. I was born in Pennsylvania.

Mr. ARENS. Are you active, or have you in the recent past been active, in the YWCA in this community?

Mr. FLEMING. Would you excuse me a moment? She turned to me—

Mr. ARENS. Surely, Counsel.

(The witness conferred with her counsel.)

Mrs. SALMIN. All right. I was born in Pennsylvania and lived there until I was 3 years old, and lived for 4 years in the British West Indies before I returned to Pennsylvania.

Mr. ARENS. Could you keep your voice up a little bit, please?

Have you been active in the YWCA in this community in the course of the last several years?

Mrs. SALMIN. Yes.

Mr. ARENS. In what capacity have you been active?

Mrs. SALMIN. I have been a member of the YWCA.

Mr. ARENS. Have you been one of the committee chairmen or leaders of any of the groups here within the YWCA?

(The witness conferred with her counsel.)

Mrs. SALMIN. I was a member of the council of the Industrial Club and was elected vice president, but had to resign because I couldn't come on the night that the club met.

Mr. ARENS. Are there any other groups that you have joined or belong to in the greater Buffalo area?

(The witness conferred with her counsel.)

Mrs. SALMIN. I was a member of the parent group of the Community Cooperative Nursery School when my daughter attended that school.

Mr. ARENS. For the purpose of identification, you are the wife of Alexander Salmin?

Mrs. SALMIN. That is right.

Mr. ARENS. Are there any other groups or organizations of any kind that you belong to here in the greater Buffalo area?

(The witness conferred with her counsel.)

Mrs. SALMIN. I decline any further question on the grounds of the first and fifth amendments.

Mr. ARENS. In this Industrial Club of the YWCA, you say you were elected vice president. Do you know Mrs. Arthur Bolton, who was elected president?

Mrs. SALMIN. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. In the course of the last 2 or 3 days, 2 men have taken an oath before this committee, Mr. Charles Regan and Mr. Joseph Chatley. Do you know those two men?

(The witness conferred with her counsel.)

Mrs. SALMIN. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Both of those men, while they were under oath, testified that while they were members of the Communist Party, they knew you as a Communist. We want to give you an opportunity now to deny that, while you are under oath. Do you care to avail yourself of that opportunity?

(The witness conferred with her counsel.)

Mrs. SALMIN. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Are you now, this minute, a member of the Communist Party?

Mrs. SALMIN. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. I suggest, Mr. Chairman, that will conclude the staff interrogation of this witness.

Mr. WILLIS. The witness is excused.

Mr. ARENS. The next witness is Mrs. Betty Thorner.

Mr. WILLIS. The committee will take a brief recess of a few minutes. (Brief recess.)

Mr. WILLIS. The subcommittee will please come to order.

Mr. ARENS. Mrs. Gerald Thorner, please come forward.

Mr. WILLIS. Please raise your right hand. Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. THORNER. I do.

TESTIMONY OF BETTY THORNER (MRS. GERALD THORNER), ACCOMPANIED BY COUNSEL, ROBERT B. FLEMING

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mrs. THORNER. Betty Thorner, 165 Norman Street, housewife.

Mr. ARENS. You are Mrs. Gerald Thorner?

Mrs. THORNER. That is correct.

Mr. ARENS. The wife of Gerald Thorner?

Mrs. THORNER. That is correct.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. THORNER. Yes, sir.

Mr. ARENS. You are represented by counsel?

Mrs. THORNER. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. FLEMING. Robert Fleming, Buffalo.

Mr. ARENS. How long have you lived in the Buffalo community?

Mrs. THORNER. About 5 years.

Mr. ARENS. Where did you live prior to the time you moved to the Buffalo area?

Mrs. THORNER. In Brooklyn, N. Y.

Mr. ARENS. How long did you live in Brooklyn?

Mrs. THORNER. I would say about a year.

Mr. ARENS. And where did you live prior to the time that you lived in Brooklyn?

Mrs. THORNER. Forest Hills.

Mr. ARENS. New York?

Mrs. THORNER. Yes, sir.

Mr. ARENS. How long did you live in the greater New York area?

Mrs. THORNER. Most of my life; all my life.

Mr. ARENS. Give us a word, please, of your education.

Mrs. THORNER. I have a bachelor of arts from Queens College and I have attended graduate courses at Johns Hopkins University, and I have attended classes at Bank Street College for teachers, and I have a teacher's certificate.

Mr. ARENS. Have you taught?

Mrs. THORNER. Yes.

Mr. ARENS. Where have you taught?

Mrs. THORNER. In a day-care center in New York City.

Mr. ARENS. Have you engaged in any gainful occupation in the Buffalo area?

Mrs. THORNER. Just for 2 or 3 months I worked as a waitress to supplement our income.

Mr. ARENS. Do you belong to the YWCA?

Mrs. THORNER. Yes, sir.

Mr. ARENS. Have you been an officer or committee chairman or anything of that kind in the YWCA here?

Mrs. THORNER. I have been chairman of a membership committee of a group; yes.

Mr. ARENS. What group was that?

Mrs. THORNER. It is a wife's group. It is a group of women who are married, and it is for social activities.

Mr. ARENS. Is that the industrial group?

Mrs. THORNER. No, sir.

Mr. ARENS. What name does the group have?

Mrs. THORNER. YW Wives, sir.

Mr. ARENS. You are or were the membership chairman?

Mrs. THORNER. I was.

Mr. ARENS. How long were you membership chairman?

Mrs. THORNER. One year, sir.

Mr. ARENS. Is there any other group of comparable description that you belong to, or have belonged to, since you moved to the Buffalo area?

Mrs. THORNER. Comparable description, sir?

Mr. ARENS. Yes; like the YWCA. Any civic group.

Mrs. THORNER. I am a member of the PTA, sir.

Mr. ARENS. And how long have you been a member of the PTA?

Mrs. THORNER. My son just started school; for about 1 month.

Mr. ARENS. Is there any other group of like description that you belong to, or have belonged to, since you moved to Buffalo?

Mrs. THORNER. Not that I know, sir.

Mr. ARENS. Mrs. Thorner, are you a member of the Communist Party?

Mrs. THORNER. I must decline to answer that, sir, under the fifth amendment.

Mr. ARENS. Have you been a member of the Communist Party in the course of the last year?

Mrs. THORNER. I must decline to answer, sir.

Mr. ARENS. Have you been a member of the Communist Party at any time within the course of the last 6 months?

Mrs. THORNER. I must continue to decline to answer, sir.

Mr. ARENS. Have you been a member of the Communist Party at any time since you received your subpoena to appear before this committee?

Mrs. THORNER. No, sir.

Mr. ARENS. Have you been a member of the Communist Party at any time in the course of the last 3 months?

Mrs. THORNER. I must decline to answer, sir.

Mr. ARENS. Have you resigned from the Communist Party?

Mrs. THORNER. I must decline to answer, sir.

Mr. ARENS. Are you completely, irrevocably, finally, disassociated from the Communist Party?

Mrs. THORNER. I have no intention, sir, of joining the Communist Party at any time in the future.

Mr. ARENS. Are you presently under Communist Party discipline?

Mrs. THORNER. No, sir.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the staff interrogation of this witness.

Mr. WILLIS. The witness is excused.

This will conclude our hearings in the Buffalo area.

In concluding these hearings, I would like to make a few observations.

First of all, may I say that we did not intend to undertake to reveal here the complete extent of the Communist operations in this community of which we have knowledge. To do so would take weeks instead of a few days of hearings and would have required many months of preliminary staff work. This would of necessity mean that by concentrating our staff here we could not keep abreast of the pattern of Communist activity in other areas of the Nation.

For instance, next Monday morning, we have further hearings in Washington. We, therefore, have made public in these hearings only a fair sampling of Communist activity in the greater Buffalo community, but in this sampling process we have, I believe, accomplished several constructive results as revealed by the 50 or so witnesses whom we have interrogated out of the hundreds concerning whom we have information of Communist activity here.

What then has been accomplished by these hearings?

There has been new and convincing evidence developed regarding the loopholes in the Foreign Agents Registration Act and other legislation designed to identify the flood of Communist propaganda which is daily reaching our shores.

We have received evidence of violation or finding a way to evade the Communist affidavit requirements by officers of unions under the Taft-Hartley law. We have found evidence here, as elsewhere, of the use of social-security cards and false names, as well as the fraudulent use of passports. There has been confirmed a pattern of Communist technique for penetration of heavy industrial establishments of which this Buffalo area has many that are vital to our defense and economic well-being.

There has been revealed the Communist underground strategy and tactics of the conspiracy in penetrating the normal, legitimate organizations of our American society.

True, many of the witnesses have been completely uncooperative with the committee but, nevertheless, they have, in a negative way, helped complete the factual picture which we have been trying to develop here as elsewhere throughout the Nation.

We will take back to Washington for consideration by the Congress this factual material to be used in our efforts to keep our security laws abreast of the ever-changing devices of the Communist operation in this country.

Here let me say that most of the security legislation which has been enacted by the Congress over the last several years has been initiated by this committee, and we have pending numerous proposals for

amendments which we are presently in the process of refining for submission to the Congress.

There is a collateral result of our hearings which I believe is salutary and important. That is, to remind all of us of the ever-present, serious threat of communism, not as a mere ideology but as a menacing, dynamic force of intrigue, subversion, and conspiracy which challenges all patriotic Americans to be constantly alert.

Now before concluding I should like to express appreciation to the many who have cooperated with us and with our staff. I wish to thank in particular the Federal judge, Hon. Harold P. Burke, whose courtroom we have been using, the United States marshal and his deputies, the local police authorities, particularly Lt. Winthrop H. Phelps, of the antiradical squad. I should like also to commend the members of the local bar association for the dignified manner in which they have represented witnesses who have appeared here these past few days.

Finally, I should like to express our thanks to the members of the press who have very fairly portrayed to the public at large the proceedings during these hearings.

Would you care to express some thoughts, Mr. Scherer?

Mr. SCHERER. I have just one or two observations; namely, if it is any consolation to the people of the Buffalo area, it is apparent from the testimony that by far the great majority of Communists in this area are not natives of the city of Buffalo. One of the things that impressed me from witness after witness who took that stand was the fact that practically all of them came out of the city of New York, particularly those who came here to colonize the industries of Buffalo. Those are the individuals who had college educations. Some of them had more than one degree. They came into industry here in Buffalo and represented to industry that they had only either a grammar or high school education, which enabled them, of course, to obtain menial positions in industry where they would be in contact with the mass of employees in this area. Of course that was done for the purpose of enabling them better to disseminate Communist propaganda and gain membership for the Communist Party.

Mr. Chairman, you mentioned the fine service rendered by the members of the bar. I would like to enlarge upon that just for a minute, as I did midpoint in these hearings, and as I did just a few minutes ago on television. I think the committee and the staff were particularly impressed by the fine and capable manner in which the members of the Buffalo Bar represented the witnesses who were called before this committee. The bar association itself is to be congratulated because it urged and cooperated in getting lawyers for some witnesses who contended or claimed that they were unable to obtain lawyers. The lawyers followed the rules of this committee scrupulously and, as I said before, also the canons of ethics of the American Bar Association. As a result, the hearings moved on more speedily and effectively than in any city I have been in since I have been a member of this committee.

Above all, there should be no adverse criticism of any kind attached to a member of the bar because of his representation of witnesses who

are called before this committee. In fact, the committee feels much better when a witness is represented by capable counsel.

That is all I have to say, Mr. Chairman.

Mr. WILLIS. Thank you.

This concludes our hearings in Buffalo.

(Whereupon, at 12:01 p. m., Friday, October 4, 1957, the subcommittee was recessed subject to call.)

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